

# EDITORIAL POLICIES



**“Everyone has the right to freedom of expression, including the freedom to seek, receive, and impart information and opinions of any kind in any form.”\***

\*New Zealand Bill of Rights Act 1990.



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## Introduction

These pages set out the editorial policies of Radio New Zealand (RNZ).

They are endorsed by the Senior Management Group and approved by the Board.

Anyone involved with RNZ programme making or who has editorial responsibilities should be familiar with these policies and adhere to them.

They draw from RNZ's professional standards and best practice developed over many years as well as those of other respected public service broadcasters who have similar standards and aspirations to our own.

The policies embrace RNZ's responsibilities under legislation, its Charter and the law, along with the editorial and ethical expectations of the Board, management and staff on how best to serve our audiences.

The editorial policies should be viewed as supportive, not restrictive, of how and what we broadcast. They clearly set out advice and a frame of reference for programme staff making judgements, particularly where there is a hard call.

To do our job properly as a public service broadcaster, RNZ must be fearless in its journalism. Our programming will be hard hitting, thought provoking and at times controversial. But in carrying out that role, our credibility is paramount and we must ensure that our journalism is at all times underpinned by fairness, scrupulous accuracy and rigorous editorial practices such as these.

I commend this policy manual to you as a living reference document to assist you in your day-to-day programme making activities.

**Peter Cavanagh**  
**Chief Executive and Editor in Chief**



## The Ambit of these Editorial Policies

The Radio New Zealand editorial policies apply to all RNZ programmes and services for New Zealand or international audiences whether made internally or by an external contractor.

Casual employees, external contractors and independent producers making programmes or content must observe the same programme standards as staff, conforming to RNZ editorial policies. All contracts with independent programme makers must include their obligation to observe all relevant sections of these policies.

RNZ holds ultimate responsibility for determining methods and content of any commissioned programmes and is solely responsible for what it broadcasts.

Questions or issues of interpretation or compliance that may arise can be referred to the Editorial Policy Manager or members of the Editorial Policy Group. Unless matters are urgent and need to be dealt with immediately, they'll be considered at the next EPG regular meeting.

## Legislation and Charter

Reliable and freely accessible information is an essential element in the democratic process. In this respect, Radio New Zealand occupies a unique position of trust and responsibility mandated through its charter under Section 7 of the Radio New Zealand Act, 1995.

The bar is set high for New Zealand's non-commercial publicly funded national broadcaster to provide **“innovative, comprehensive and independent broadcasting services of a high standard”** within a framework of public accountability. In turn, RNZ assiduously safeguards this trust, its editorial independence and integrity and reputation for fairness and respect for the truth.

### The Charter

Section one of the Charter gives clear direction of how public broadcasting serves the nation.

- (a) Programmes which contribute towards intellectual, scientific, cultural, spiritual and ethical development, promote informed debate and stimulate critical thought; and
- (b) a range of New Zealand programmes, including information, special interest and entertainment and programmes which reflect New Zealand's cultural diversity, including Maori language and culture; and
- (c) programmes which provide for varied interests and a full range of age groups within the community, including information, educational, special interest and entertainment programmes; and
- (d) programmes which encourage and promote the musical, dramatic and other performing arts including programmes featuring New Zealand and international performers and artists; and
- (e) a nationwide service providing programming of the highest quality to as many New Zealanders as possible, thereby engendering a sense of citizenship and national identity; and
- (f) comprehensive, independent, impartial and balanced national news services and current affairs; including items with a regional aspect; and
- (g) comprehensive, independent, impartial and balanced international news services and current affairs; and
- (ga) an international radio service to the South Pacific (Radio New Zealand International - RNZI) which may include a range of programmes in English and Pacific languages; and
- (h) archiving of programmes which are likely to be of historical interest in New Zealand.

RNZ must also take account of recognised standards of excellence, services provided by other broadcasters and providing a balance between programmes of wide appeal and those for minority audiences.

*[SEE ALSO: APPENDIX 1 FOR THE RADIO NEW ZEALAND DRAFT CHARTER 2006 P.70]*

### **The Broadcasting Act**

*The Broadcasting Act (1989)*, requires broadcasters to maintain programme and presentation standards consistent with:

- (a) the observance of good taste and decency; and
- (b) the maintenance of law and order; and
- (c) the privacy of the individual; and
- (d) The principle that when controversial issues of public importance are discussed, reasonable efforts are made or reasonable opportunities are given, to present significant points of view, either in the same programme or in other programmes within the period of current interest.

*The Broadcasting Act s21(1)(e)* encourages the development and observance by broadcasters of codes of broadcasting practice appropriate to the type of broadcasting undertaken by such broadcasters in relation to:

- (i) the protection of children; and
- (ii) the portrayal of violence; and
- (iii) fair and accurate programmes and procedures for correcting factual errors and redressing fairness; and
- (iv) safeguards against the portrayal of persons in programmes in a manner that encourages denigration of, or discrimination against, sections of the community on account of sex, race, age, disability or occupational status or as a consequence of legitimate expression of religious, cultural or political beliefs.

*[SEE ALSO: APPENDIX 2 FOR THE FULL RADIO CODE OF BROADCASTING PRACTICE P.72]*

### **Broadcasting Standards Authority**

Operating under the same Act, the Broadcasting Standards Authority, an independent statutory body, polices Codes of Broadcasting Practice.

People with complaints against radio or television can first refer them to the broadcaster then, if dissatisfied, the BSA, which has legal authority to impose penalties on broadcasters found to have breached standards.

*[SEE ALSO: COMPLAINTS P.68]*

### **Editorial Autonomy**

The Radio New Zealand Act guarantees the independence of the company. RNZ has authority to exercise complete editorial control over all of its programming. By law and in practice neither the Government nor

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Parliament can directly intervene, although accountability for the expenditure of public funds is sought through the parliamentary process.

*[SEE ALSO: INDEPENDENCE P.13; LIFELINE UTILITY P.45 ]*

## **Board of Governors**

The Board of Governors (the Board) is responsible to shareholding Ministers for the performance of RNZ in all matters, including ensuring editorial integrity and independence. However, consistent with accepted corporate governance principles, the Board will generally not become directly involved in the day-to-day management of the company.

Consistent with those governance principles, the Board must satisfy itself that sound editorial and complaints management policies and systems are in place but has delegated to the Chief Executive all necessary powers and authority to manage those policies and systems on a day-to-day basis as Editor in Chief.

Regardless of that delegation to the Chief Executive and Editor in Chief, the Board can at any time, in circumstances it considers to be exceptional, conduct an independent review to satisfy itself regarding the appropriateness of RNZ's editorial policies, standards and procedures.

The Board will also, as part of its normal governance responsibilities, continuously monitor editorial performance to ensure that RNZ maintains the highest possible standards of public service broadcasting.

## **Chief Executive and Editor in Chief**

Under delegation from the Board, the Chief Executive and Editor in Chief has day-to-day responsibility for editorial decisions and complaints determination and is accountable to the Board for RNZ's editorial performance.

In carrying out this role, the Chief Executive and Editor in Chief will further delegate editorial authority within the company. However, under the policy of upward referral, the final decision on all major editorial issues where doubt exists – or which might adversely affect the public standing or credibility of RNZ – rests with the Chief Executive and Editor in Chief, who will be responsible to the Board for ensuring the editorial policies are upheld.

## Taking Responsibility 'Upward Referral'

Radio New Zealand has a high level of credibility and trust among its listeners. It is a reputation that should be zealously guarded. On occasions when there is potential for damaging errors or material breaching our standards to go to air, established practices should ensure that these are checked and eliminated.

It is essential therefore that all news staff, programme makers and those with editorial responsibility understand the principle of **upward referral** where responsibility lies with the individual to verify accuracy, fairness and safety (in ethical or legal terms). If this is not possible or questions remain, then the decision to broadcast, or not, must be taken by someone more senior.

If a programme is controversial or likely to have an extraordinary impact the most appropriate senior manager should be notified in advance, irrespective of whether editorial advice is being sought.

### Checking

It is well established practice in RNZ newsrooms for anything that goes to air to be checked first for accuracy, fairness, balance, style and grammar by a senior journalist such as a chief reporter, bulletin editor, producer or programme editor. The exception may be live Q and As. Where possible, reporter and producer/interviewer should talk beforehand, especially if the issue is contentious or carries legal dangers.

### Risks

Any story or programme which may place RNZ at legal risk such as contempt of court or defamation must be referred upwards. If doubt remains it must then be referred to the Editorial Policy Manager or Head of News in the case of News or the Networks Manager, Group Manager Spoken Features, RNZI News Editor, Group Manager Music for music, other programmes as appropriate and/or the company's lawyer.

Upward referral also applies to any item that may not meet RNZ guidelines of fair, factual and balanced reporting or issues involving language, violence, privacy or poor taste. This includes on-air trailers, publicity material (printed or broadcast) and website information generated to support programmes.

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Nothing in this section should be misread as implying RNZ will shrink from seeking out issues of controversy or taking justifiable risks. Decisions to broadcast in the public interest, in the face of legal or other threat, may from time to time be considered by senior managers with the approval of the Chief Executive and Editor in Chief.

*If in doubt, refer upwards.*

## Editorial Values

Editorial policies translate Radio New Zealand's Charter and legislative responsibilities, services, standards and expectations to a workplace template to assist programme makers and editorial staff to make decisions that are equitable, timely and consistent.

Much more than just the mandated requirements of RNZ, they incorporate **values** concerned with social responsibility, ethical considerations and a sense of fair play.

They inform and guide our professional judgements, but also reassure the people to whom we are accountable, our audience, that their trust and expectations are not misplaced.

### Accuracy

Factual programmes must conform to reality, be in context and not in any way misleading or false. Programme makers should be enterprising and questioning in perceiving, pursuing and presenting issues. This demands thorough research and a disciplined use of language and production techniques.

*[SEE ALSO: ACCURACY P.21; CORRECTING MISTAKES P.22 ; SOURCES P.40; NOTE-TAKING P. 41; RADIO CODE OF BROADCASTING PRACTICE P.74 ]*

### Fairness

If we get this right the rest will follow. It is about openness and straight dealing by reporting the relevant facts and significant points of view and fair, ethical and balanced treatment of issues, events, people and institutions.

*[SEE ALSO: COVERT AND SURREPTITIOUS METHODS P.55 ; FAIR DEALING WITH THE PUBLIC P.58; RADIO CODE OF BROADCASTING PRACTICE P.74]*

### Independence

This is central to our integrity and credibility. It demands that programme makers not be influenced by pressures from political, commercial or other sectional interests or by their own personal views or activities. There must be no external interference in the presentation or content of programmes or any improper influence brought to bear internally. RNZ alone has the legal and editorial responsibility for what it broadcasts.

*[SEE ALSO: EDITORIAL AUTONOMY P.9; CONFLICT OF INTEREST P.16; FUNDING AND RESOURCING P.23; LIFELINE UTILITY P.45; EXTERNAL DEALINGS P.62]*

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## **Respect**

This does not imply weakness. Respect for the rights of others may call for careful handling of sensitive issues such as violence, sex, grief, trauma, privacy and taste and the need to avoid stereotypes and other prejudicial content. Interviewees and all others we deal with in the course of our newsgathering and programme making activities must be treated with due respect.

*[SEE ALSO: TASTE AND DECENCY P.46; PRIVACY P.33; CODE OF BROADCASTING PRACTICE P.75; PRIVACY PRINCIPLES P.77]*

## **Diversity**

Our target audiences in New Zealand and the Pacific represent a broad diversity of cultures, interests and opinions. Our domestic and overseas broadcasts should reflect and draw on this diversity to present relevant views across the spectrum.

*[SEE ALSO: BALANCE P. 15; DIVERSITY P.24 ]*



## Charter of Editorial Practice

### Editorial Line

Radio New Zealand takes no editorial stand in its news or programmes. It has no views or opinions on any subject. In the coverage of issues we do not ourselves promote or denigrate any view, including those of minorities. Views are covered according to their news value and significance.

### Personal Opinion

RNZ programmes should offer listeners an intelligent and informed account of issues that enables them to form their own views. Journalists, producers and presenters will have opinions of their own, but they must not yield to bias or prejudice. To be professional is not to be without opinions, but to be aware of those opinions and make allowances for them, so that reporting is, and appears to be, judicious and fair.

Audiences should not be able to detect a presenter's or correspondent's personal views.

*[SEE ALSO: CONFLICT OF INTEREST P. 16; INTERVIEWING CODE OF CONDUCT P.58 ]*

### Specialist Analysis and Reviews

Some reporters, including Specialist Correspondents and Business/Political Editors, are able to offer analysis of events or opinions in which the event or opinion is placed in a wider context and the listeners given a clearer idea of the significance of the issue. But we draw the line at the expression of prescriptive comments, i.e., saying whether things are good or bad or telling the listeners what opinion they should hold.

It is accepted that specialist reviewers, drawing upon their expertise, are able to express their opinion on air.

### Balance

RNZ is committed to providing programmes of great diversity which reflect a wide range of audiences' interests, beliefs and perspectives. This is a requirement on all programme genres from arts to news and current affairs, from sport to drama, from comedy to documentaries, from entertainment to education and religion. But above all RNZ has a duty to ensure that its programming is fair, accurate and balanced. Programme balance should be achieved, where appropriate, within a single programme or otherwise within the period of current interest. Where an appropriate representative of one side of the story cannot be reached, the journalist or producer should announce the fact in a simple and direct manner.

A programme may be based on the personal view of an individual as long as the audience is made aware of the personal character of the programme.

*[SEE ALSO: ELECTORAL COVERAGE P.25; RADIO CODE OF BROADCASTING PRACTICE P.74 ]*

## **News Stories Involving RNZ**

Stories about RNZ are reported in the same way as all others. However, because of the difficulty for listeners in distinguishing between our reporting and statements by RNZ on its own behalf, very careful attention should be paid to accuracy. News judgement on any story about RNZ must be based on its significance to our audience, not its significance to our staff.

***All stories about the company should be referred to the appropriate senior manager before broadcast/publication.***

## **Conflict of Interest**

Radio New Zealand's reputation for impartiality and objectivity is crucial. As the national public broadcaster, RNZ is very much in the public eye and it is essential that the public can trust the integrity of the company's programmes, staff and services.

## **Avoiding Conflicts of Interest**

Our audiences need to be confident that the outside activities of our programme makers or presenters do not undermine RNZ's impartiality or credibility and that editorial decisions are not influenced by any commercial, political or personal interests. Conflicts of interest can arise for anyone on air or who has responsibility for the content of a programme or service or associated activity. Presenters, reporters, producers and editors are all affected. There may be particular sensitivities concerning on air talent. It is important that no off-air activity, including writing, the giving of interviews or the making of speeches, leads to any doubt about their objectivity on air. If presenters or reporters publicly express personal views off air on controversial issues, then their on air role may be severely compromised. It is particularly important that such employees do not on air or in a public forum:

- state how they vote or express support for any particular party
- express views for or against any policy which is a matter of current party political debate
- advocate any particular position on an issue of current controversy or debate
- exhort a change in high profile public policy

*[SEE ALSO: EDITORIAL LINE P.15, INTERVIEWING CODE OF CONDUCT P.58 ]*

## Petitions

Presenters, programme makers and journalists must not sign, promote or endorse any public petition on any matter of national significance which is likely to attract coverage on RNZ.

To do so would compromise the impartiality of the individual and could negatively affect RNZ's editorial credibility.

Editorial staff may sign a petition on a localised issue in their capacity as a private citizen where this issue is unlikely to attract coverage on RNZ.

In these circumstances, however, they should immediately advise their senior manager and must disqualify themselves from any future programming or coverage of the issue which may occur.

## Staff Involvement in Politics

To maintain editorial integrity it is vital that staff not only avoid actual conflicts of interest but also the **perception** of a conflict of interest.

All on air and editorial staff should be aware of the perceived conflict of interest which would arise from membership of a political party. This applies particularly to high profile involvement in an administrative or office holding capacity.

## Standing for Office

Any RNZ staff member standing for office in a **national election** must go on leave without pay effective from the announcement of their candidature.

RNZ is a national broadcaster and therefore the potential for conflicts of interest is diminished for elections of a local nature.

Any staff member intending to stand for office in a **local body election** should notify their manager prior to their candidature being announced. The Chief Executive and Editor in Chief will then decide on a case by case basis whether a conflict of interest might exist. Where it is determined that conflict of interest does exist, the staff member will be required to go on leave without pay effective from the announcement of their candidature.

Where it is determined that a conflict of interest does not exist, the staff member concerned may continue to work for RNZ, but they must make no mention on air of their candidature or to any of the issues involved in the local body election. Nor should they participate as a RNZ employee in any programme or programme segment which deals with the election (and associated issues) in which they are standing.

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## **Letters to the Editor**

Similarly, programme makers, presenters and editorial staff should clear with their managers any letters to the editor or other media if they deal with any political, public policy or controversial issue, or relate to RNZ or broadcasting. If approved, such letters must be signed as a private individual, not as a representative or staff member of RNZ.

## **Public Engagements and Media Training**

It may be appropriate for RNZ presenters, editorial staff or programme makers to speak publicly at conferences or to interested bodies about broadcasting. However, there are considerable dangers of a conflict of interest if RNZ staff or contractors train individuals or organisations in how to present themselves to the media. Presenters, producers, editors and journalists must obtain prior approval from the Chief Executive and Editor in Chief before undertaking any outside training work. Separate approval must be sought for each individual training session. Where approval is granted, the staff member involved must receive no payment for the training provided.

The same principle applies to presenters, producers, editors and journalists when they are invited to chair an event for any outside organisation or to speak in any capacity. Again, it is essential that such staff obtain permission from their manager before agreeing to any such invitations.

## **Outside Commitments and Relationships**

For editorial staff the greater the level of responsibility the greater the need to avoid any possible conflict of interest. RNZ should be satisfied that everyone involved in editorial decisions and programme making is not identified with inappropriate outside commitments. The principles apply equally to staff or freelancers.

In a nutshell the outside activities of programme makers – including financial, personal and political relationships – must not compromise the editorial integrity of RNZ programmes.

*[SEE ALSO: PROBITY POLICY P.63; ENDORSEMENTS P.65 ]*

## **Associations with Other Media**

As a general rule RNZ employees may not work, on a paid or unpaid basis, for organisations considered by the company to be in competition, or associated with competing organisations. In some circumstances, management may authorise such outside work if there is a recognisable benefit to the company, such as enhancement of the company's image in the community. For example, it may be deemed suitable for RNZ's Political Editor to take part in a discussion on TVNZ about the role played by journalists during an election campaign.

*[SEE ALSO: ENDORSEMENTS P.65 ]*

## Secondary Employment

All employees who have any secondary employment outside RNZ, or monetary interest in another organisation in radio or television broadcasting, other media or communications, must declare such employment and/or interest and gain approval from the Chief Executive. All staff who wish to have such employment and/or interest in the future must gain approval from the Chief Executive. Failure to do so could result in disciplinary action.

RNZ staff are strictly prohibited from engaging in secondary employment which:

- is conducted during their RNZ working hours
- involves the use of any RNZ equipment or facilities or
- involves the use of RNZ's intellectual property

*[SEE ALSO: PROBITY POLICY P.63; ENDORSEMENTS P.65]*

## Casual Staff and Independent Contractors

RNZ accepts that it cannot restrict the work undertaken by casual staff and independent contractors when they are not being employed by RNZ.

All casual staff and contractors are, however, required to declare any external employment or other activities which might constitute a conflict of interest with their RNZ duties.

RNZ reserves the right to decline or discontinue the employment or engagement of any casual staff member or independent contractor where it considers that a conflict of interest exists.

Casual staff and contractors are reminded that intellectual property, branding and related matters derived from their association with RNZ may not be used in external contexts without written consent from a senior manager.

*[SEE ALSO: THE AMBIT OF THESE EDITORIAL POLICIES P.7]*

## Intellectual Property & Business Methodologies

All work produced by employees or contractors remains the sole property of RNZ. RNZ is entitled to any copyright, patent, trademark or any other intellectual property rights arising from material, inventions, ideas or processes developed, unless there is a prior written agreement stating otherwise.

*[SEE ALSO: RNZ AND COPYRIGHT P.36; ATTRIBUTION OF RNZ MATERIAL P.63; PARTNERSHIP PROJECTS P. 64]*

## Shareholdings

Shareholdings should be declared by all programme staff if they are in any way connected with the area in which they work or the subject matter which they cover. The area of most sensitivity is financial journalism. People working in business programmes should register all their shareholdings and other financial interests or dealings. On no account must early information

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acquired in the course of RNZ programme work be used to trade ahead of the markets. It is illegal as well as unethical. These extra guidelines for business journalists protect the integrity of RNZ's output in this area.

### **Rewards for Broadcast or Non-Broadcast**

In no circumstances are employees to solicit or accept personal payment, gifts or benefits associated with the broadcast or non-broadcast of a story. This includes hospitality, travel, accommodation and entertainment.

*[SEE ALSO: UNREASONABLE DEMANDS P.60; PROGRAMME FUNDING P.62; PROBITY POLICY P.63]*

### **Gifts, Payments and Hospitality**

The practice of accepting gifts, payments or hospitality via work related activity can create both actual and perceived conflicts of interest and may harm RNZ's credibility. Although some gifts are relatively trivial, such as a token mug or souvenir calendar, others may have substantial value. Only gifts or benefits of modest value distributed as advertising or goodwill gestures, or modest hospitality offered as a general courtesy during the conduct of normal business, may be accepted by RNZ employees. Acceptances of such offers must be free of obligation and must not influence, or appear to influence, subsequent editorial decisions. The acceptance of gifts of any substance should be referred upwards for approval.

*[SEE ALSO: PROGRAMME FUNDING AND SUPPORT P.62; PROBITY POLICY P.63]*

### **Offers of Travel**

No-one is to accept an offer of travel inside or outside New Zealand without getting the approval of the Chief Executive and Editor in Chief. Events are not to be covered solely or mainly because of the availability of subsidised travel. Under no circumstances will there be any external influence on programmes resulting from any subsidised trip. Where approved assistance is provided for the making of a programme, it should be acknowledged on air.

*[SEE ALSO: RNZ'S ROLE IN NEWS AND CURRENT AFFAIRS P.23; PROGRAMME FUNDING P.62]*

## Accuracy

Every reasonable effort must be made to ensure that all factual programmes on RNZ are accurate. Research for all programmes must be thorough. Producers, reporters and editors must be prepared to check, cross-check and seek advice to ensure this happens. Wherever possible we should gather information first-hand by being there ourselves or, where that is not possible, by talking to those who were.

Accuracy can be difficult to achieve. It is important to distinguish between first and second-hand sources. An error in one story is often recycled in another. Material already broadcast and newspaper cuttings can get out-of-date or simply be wrong. Simple matters like dates and titles may well need to be checked and checked again. Accuracy is often more than a question of getting the facts right. All the relevant facts and information should be weighed to get at the truth of what is reported or described. If an issue is controversial, relevant opinions as well as facts may need to be considered. If an item may be legally contentious its accuracy must be capable of withstanding scrutiny in a court of law.

Information broadcast on RNZ must not be in any way misleading or false. This demands not only careful and thorough research, but a disciplined use of language and production techniques.

We must remember that accuracy can also be compromised by the **omission** of relevant facts.

*[SEE ALSO: EDITORIAL VALUES P.13; CORRECTING MISTAKES P.22; SOURCES P.40; NOTE-TAKING P. 41; RADIO CODE OF BROADCASTING PRACTICE P.74]*

## Maintaining Accuracy in Editing

The editing process must result in a true reflection of what was originally seen and heard. Editing is an essential technique and one of the most demanding in journalism because of the time limitations imposed by radio production and the need to be concise and clear. It would be impractical to expect the whole reality in an edited programme. What should result from selection and editing is a compression of reality – a slice of reality – which must nonetheless reflect the essential truth without distortion.

*[SEE ALSO: FAIR DEALING WITH THE PUBLIC: EDITING INTERVIEWS P.59]*

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### **Correcting Mistakes**

RNZ makes every effort to avoid errors but with so many news bulletins and programmes produced each day mistakes do sometimes happen. RNZ will not hesitate to correct an error when it is established that one has been made. To do otherwise would lead inevitably to loss of credibility by RNZ.

Corrections will be made in a timely manner and in a form most suited to the circumstances. For example, if a mistake is made in a news story filed on Radiowires a corrected version needs to be sent out as soon as possible – this is important not only for RNZ’s internal services, but as part of our service to external clients. The error should be explained and it should be clear that a correction is being made.

Where an error is acknowledged, it’s only fair to aggrieved parties to make the correction as quickly as possible. A timely correction may also dissuade the aggrieved party from complaining.

*[SEE ALSO: COMPLAINTS P.68]*

### **Potentially Defamatory Inaccuracies**

Where we may have broadcast a potentially defamatory inaccuracy RNZ lawyers must be consulted about the wording of a correction. An appropriate correction may help in the defence of a court action – an inappropriate one could exacerbate a defamation.



## **RNZ's Role in News and Current Affairs**

Radio New Zealand is well positioned to be the country's leading and most trusted news provider.

News judgement at RNZ is concerned with the broad interests and diversity of our audience, a strong sense of the community's need to know and taking account of the timeliness, impact, proximity and currency of unfolding events.

RNZ recognises its role in an increasingly commercial broadcasting market to provide a breadth, standard and integrity of reporting and analysis of events at home and abroad that is otherwise unavailable.

These values underpin our role as a public broadcaster, at the core of which is news and current affairs.

### **Regulatory Framework**

News and current affairs programmes have specific legislative and Charter provisions and responsibilities.

News and current affairs embraces all programmes and bulletins produced for radio and online by the News department and much of the output of RNZI. A number of other Radio New Zealand programmes deal substantively with or touch on current issues and as such are covered by the provisions of this chapter. For these in detail see Legislation and Charter and the Radio Code of Broadcasting Practice including Principle 6 requiring the preparation and presentation of news and current affairs "to be truthful and accurate on points of fact".

While the legal and statutory requirements provide a regulatory framework for how we approach our work and are part of the accountability to those who fund us, it is fundamental to our independence that RNZ's editorial values and decision making processes are generated and managed internally.

*[SEE ALSO: LEGISLATION AND CHARTER P.8; RADIO CODE OF BROADCASTING PRACTICE P.72 ]*

### **Funding and Resourcing**

News and current affairs are resourced by public funding. They are not permitted to accept any form of external funding or assistance, except in special circumstances free of obligation and where a major news event would otherwise not be satisfactorily covered. For example, flights with the military to peace keeping zones or cyclone devastated areas.

RNZ gathers all its own news within New Zealand and devotes resources to ensure a breadth of coverage from the major cities to regional communities. It does not simply report but provides specialist correspondents, analysis and investigative journalism. Free of sectional interests, it pursues issues of public concern through well directed, innovative and persistent journalism.

*[SEE ALSO: OFFERS OF TRAVEL P.20; PROGRAMME FUNDING AND SUPPORT P.62]*

## External Sources

RNZ journalists may not 'lift' material from other news organisations with which we have no supply contract without independently authenticating the information before use. If this is not possible we should be cautious about quoting such material and then only with attribution, eg, "The New Zealand Herald reports..."

While RNZ News commissions coverage and commentary from other news agencies or freelance stringers for international stories, it does not accept reporting, as distinct from 'expert' analysis from any non-news organisations. We are, of course, free to interview individuals connected with a news event. Releases from PR sources should be carefully checked. Occasionally, RNZ will accept news coverage from another media group as part of "pool coverage" when circumstances restrict the number of journalists attending an event.

We do not pay for information as in "chequebook journalism" but reasonable expenses for costs such as travel may be considered.

*[SEE ALSO: SOURCES P.40; UNREASONABLE DEMANDS UPON RNZ P.60]*

## Use of Externally Provided Audio

RNZ will seek to provide its own original audio material wherever possible.

Audio supplied by non-RNZ sources such as public relations companies, political parties or amateur recordings offered by members of the public must not be used on air without the prior approval of the Head of News or Editorial Policy Manager.

*[SEE ALSO: ATTRIBUTION P.37]*

## Diversity

RNZ News and Current Affairs should provide a range of views on significant issues over time, ensuring a diversity of perspectives. Programme makers should avoid over using particular specialists or analysts.

It is of central importance that RNZ news and current affairs is not only on top of the major news of the day, but also reflects as far as it can the life and concerns of communities across the country whether they are in the suburbs of large cities or the back blocks of rural areas.

*[SEE ALSO: DIVERSITY P.14; BALANCE P.15]*

Radio should make the most of its advantage of getting a story to air quickly. But RNZ believes it is more important to get the story right, rather than first to air but wrong.

## Political Coverage

As with all other coverage we must ensure that we assess the significance and news value of political statements following our key editorial principles of balance, fairness and accuracy. The following considerations help us to decide whether to run any particular story:-

- the news value of the action being taken by the party
- the power held by the party, or potentially held by it
- the chances that the specific proposal will be enacted
- the level at which the party is polling and its consequential potential impact on the country
- whether the community would be denied important information if the item was not run

The task is to achieve uncompromising coverage of the political scene while remaining clear of any perceptions of partisanship or bias.

## Election Coverage

As the national public broadcaster, Radio New Zealand is committed to contributing to free and fair elections through reporting, backgrounding and analysing the issues so that a well informed electorate can make reasoned choices.

***Remember that under electoral law there's a ban on any political story on election day – including coverage of exit polls – until the polls have closed.***

### Balance

At election time we rely on the news judgement of our journalists who must ensure that attention is given to a thorough examination of the views, policies and campaigns of all the main political parties.

We must ensure that reasonable efforts are made to present significant points of view either in the same programme or in other programmes within the period of current interest. During election time this period is shorter than usual. For example, if one party is announcing a tough new approach on law and order we need to chase reaction from other parties as soon as possible.

RNZ carefully monitors election output so that at any point in the campaign the balance of news bulletins and programmes can be judged. Adjustments can then be made if required.

Special care needs to be taken with vox pops, emails and faxes during an election campaign. Programme makers should be alert to organised campaigns by parties and pressure groups.

## **Election Broadcasts**

Political parties make their own election broadcasts and are responsible for their content, but they have to observe the law. We have the right to take out any material submitted for broadcast if it is of a defamatory nature or seriously in breach of our guidelines.

## **Editorial Independence**

All political parties will seek to influence editorial decisions at election time. Programme makers must not allow themselves to be intimidated. Politicians should be assured that any complaints will be dealt with in accordance with RNZ's standard complaints procedures.

*[SEE ALSO: COMPLAINTS P.68]*

## **Election Unit**

During an election campaign, RNZ News will set up a special unit to co-ordinate campaign coverage. Guidelines for that coverage will be drawn up by the Head of News, Political Editor, Editorial Policy Manager and the head of the election unit.

Part of the election unit's responsibilities is ensuring that the coverage is as balanced as possible during the course of the campaign. This will require monitoring to make sure that no party is unfairly advantaged or disadvantaged.

All RNZ programmes need to co-ordinate their coverage with the election unit to ensure that balance is achieved during the course of the campaign.

## **Online**

All editorial content published on the RNZ websites must comply with the same guidelines on accuracy, fairness, balance and impartiality and monitoring should be carried out to ensure that this is done.

Corrections or a decision not to run a story should be promptly notified to the online sub-editor or web editor.

*[SEE ALSO: ONLINE P.66]*

## **Opinion Polls**

Opinion polls should always be treated with great care, but particularly during election campaigns when parties or pressure groups may try to target undecided voters by creating a poll-driven bandwagon effect.

When reporting on an opinion poll remember to say who carried out the poll, who commissioned it, how and when it was carried out, the number of people questioned and the margin of error.

Draw attention to events which may have had a significant effect on public opinion either before or after it was done, for example “The poll was carried out last Wednesday, before the party announced ...”

Poll results are often interesting because they show a trend in voter intention, but polls which defy the general trend without convincing explanation should be treated with caution. Be particularly wary of polls based on insignificant samples.

Do not use language which gives greater credibility to the polls than they deserve: polls “suggest” but never “prove”. When reporting poll results remember that they refer only to those people surveyed, not the population as a whole.

*[SEE ALSO: EXTERNAL SOURCES P.24]*

## Legal Considerations

### Crime and Court Reporting

As in any other factual areas, we need to report crime in a way which not only gives our audience details of significant events, but also throws light on the issues. We should try to increase understanding of crime, with the aim of enabling listeners to make informed decisions about public policy and about their personal circumstances. Stories in the media may add to people's fear of becoming victims of crime even when, statistically, they are very unlikely to be so. It is against this background that we need to judge our reporting of crime and ensure that our crime coverage is kept in proportion.

### Language

Remember to think carefully about the accuracy and suitability of language when reporting crimes. Crime is dramatic enough when it is described factually. Avoid colourful language, clichés, unnecessary adjectives or glamorising crime.

*[SEE ALSO: OFFENSIVE LANGUAGE IN NEWS STORIES P.48; TERMS OF RACIAL ABUSE IN NEWS STORIES P. 48; VIOLENCE IN NEWS AND CURRENT AFFAIRS P. 49]*

### Identification

Care should be taken before identifying the victim of a crime. Broadcasting the victim's identity often only adds to grief, anguish and trauma. We must not identify victims of sexual offences unless the court rules otherwise. We can NEVER broadcast the name of the accused in cases of incest or sexual intercourse with a child under 16 under their care or protection. We are also prohibited from broadcasting details of a witness in a criminal case who is under 17.

*[SEE ALSO: CONTEMPT OF COURT P.31; PRIVACY P.33; CHILDREN AS SUBJECTS OF STORIES AND PROGRAMMES P.34; RELEASE OF NAMES P.42; NAMING POLICE WHO KILL P.42; SUICIDE PP.33&49]*

### Innocence

Remember that a person is presumed innocent until proven guilty in a court of law. The fact that someone is under police investigation does not by itself prove that that person has committed a crime. In accordance with this principle defendants should not be referred to by only their surname by RNZ until they plead guilty to a criminal charge or are found guilty by the Court.

### Alleged Crime

The word "alleged" is over-used, over-rated and often misunderstood. Use of "alleged" does not offer the extensive legal protection it is frequently credited with. It should be used sparingly and only where other tidier mechanisms cannot do the job. Adequate and careful sourcing and writing is often all that is required. Words and phrases like "suspect", "police

believe”, “eye witnesses say” all convey that something, although unproven, has enough basis in fact to be reported.

It is not an “alleged stabbing” when someone has knife wounds nor an “alleged robbery” when we know that a bank has lost thousands of dollars to a gun wielding robber. If someone is charged with a crime then report what charges they are facing, rather than say they are alleged to have committed that crime.

### **Interviewing Witnesses**

When conducting news interviews with people who have recently witnessed a crime, programme makers and bulletin editors should be aware of the possibility of a court case in the future and the prospects of a fair trial.

[SEE ALSO: *SUB JUDICE P.29; CHILDREN P.34; TRAGIC EVENTS P.52*]

### **Paedophiles/Sex Offenders**

When paedophiles and other sex offenders have served their sentences and been released back into society, strong passions can be aroused in the communities they live in. RNZ has a responsibility to report such matters where there is a clear public interest, while at the same time avoiding possible incitement and unjustified infringement of privacy. If it becomes editorially relevant to report on the release of a sex offender, then it will be perfectly reasonable to name the town or city where he or she is living. But we should not give addresses or details as this may provoke vigilante action. Any story that is broadcast should include contextual information regarding the record of the offender and the circumstances and reasons for his or her release into the community.

Interviews with paedophiles and sex offenders should be a rare occurrence and will need strong editorial justification. As with any criminal, programme makers and editorial staff should think through ways of minimising the distress any interview may cause victims of the crime and their relatives.

[SEE ALSO: *CONTEMPT OF COURT P.31; CHILDREN P.34*]

### **Sub Judice**

The *sub judice* rule means that we should not broadcast anything which could interfere with court proceedings or likely court proceedings. Once a charge has been laid we must not give any details or background which may prejudice a fair trial. In the case of a retrial, care should be taken not to mention anything from the first trial or to refer to it as a retrial.

Any breach of this rule may be dealt with as a contempt of court for which there are a wide range of penalties, including imprisonment. The consequences of a breach of *sub judice* can include having to move the trial, discharging the jury or even abandoning the case.

Technically, a case is still *sub judice* after sentencing while there remains an opportunity to appeal.

## **Injunctions, Suppression Orders and Gagging Writs**

Injunctions are a type of delaying order made by a court, eg, to prevent the reporting of a story. Sometimes they are interim, meaning that the Court has yet to consider the full case. Anyone, whether individuals or organisations, can seek an injunction if they think their interests or reputation are about to be damaged by a news story or programme. Applications are often associated with claims for breach of contract or breach of confidence and may sometimes be sought for defamation.

It is essential that all journalists dealing with highly contentious factual subjects, or with people or organisations with a history of litigation, are alert to the possibility of injunctions.

Similarly, courts have the power to suppress the name of defendants or witnesses appearing in court, or other details before the Court. Sometimes, people are given interim name suppression to allow time for them to tell their relatives details of the charges they face and sometimes name suppression is permanent, for example when to name someone would place them in danger. When orders are permanent caution is required in reporting details of convictions long after a case is concluded.

Reporters must be satisfied that they are aware of any suppression orders that apply in the case that they are covering as breaches of suppression orders are viewed seriously by the courts.

### **Timing**

Orders are sometimes sought outside court hours and we may have little or no warning. They can be granted and enforced at night or at the weekend. Breach of an injunction is viewed seriously by the courts.

### **Injunctions Against Other Media**

Care should be taken when there is an injunction against another part of the media preventing their publishing certain information. If we broadcast the same material we might be in contempt of court. If in doubt, seek the advice of RNZ lawyers.

### **Gagging Writs**

Gagging writs are a particular type of injunction taken out by a person to prevent publication of a story (usually in the area of defamation). Research and investigation can continue in the meantime provided the material is not broadcast.

*[SEE ALSO: SUB JUDICE P.29; EMBARGOES P.45]*



## Contempt of Court

Contempt of court arises if an action or statement gives rise to a substantial risk that the course of justice will be seriously impeded or prejudiced.

There are some well established categories of contempt underpinned by the need to preserve respect for the courts. They are:

- disrespect of a judge or a court
- inaccurate criticism
- imputation of bias, favouritism, improper motive
- any attack on the Court as an institution
- any suggestion that the court/judge is susceptible to pressure

RNZ should never criticise the court or a judge, but this does not preclude us broadcasting reasonable criticism by others, eg, victims or others involved in the case.

### Areas of contempt include:

- Family Court and Youth Court proceedings except with a judge's permission and without naming or identifying
- naming victims of sex crimes without the Court's permission
- naming accused in incest cases (as this may lead to identification of victims)
- naming witnesses in criminal cases if they are under 17
- naming someone ordered to provide a blood test for DNA analysis in relation to a crime
- any information pertaining to a case between the time of charging of a suspect and their first court appearance (see also sub judice)
- details of an accused's criminal record or anything which might be used in evidence or any details of complainants
- communicating with or identifying jury members during or after a trial
- repeating what is said in court in the absence of a jury
- reporting what a judge has forbidden to be reported
- speculating about the verdict in a case
- broadcasting material which could prejudice the conduct of a case
- mentioning previous convictions or other charges not currently being tried before a verdict has been reached

If a case is actively before the courts or likely to be before a court, contempt will be an issue.

*[SEE ALSO: CRIME AND COURT REPORTING P.28 ]*

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## Defamation

If we broadcast anything that damages the reputation of an individual, group or company we may be defaming them. RNZ is responsible no matter who speaks the words, whether it is a presenter, journalist, contractor, interviewee, guest or on air caller.

Any story or programme which may place RNZ at legal risk such as contempt of court or defamation must be referred upwards.

***Defences to defamation are often complicated so if in doubt, check and refer.***

There is no one common definition of what constitutes defamation. We can defame when we say something tending to injure an individual's reputation or cause a company financial harm. The courts have applied the following tests to determine if a statement is defamatory:

- reduces a person in the eyes of right thinking people
- causes a person to be shunned or avoided
- exposes a person to hatred, ridicule or contempt
- injures them in their office, profession or trade

There are a number of defences to defamation including:

- truth
- honest opinion (based on stated true facts)
- privilege

### Absolute Privilege

There are two types of privilege. Absolute privilege applies to a **live broadcast** of the proceedings of Parliament.

### Qualified Privilege

A lesser, or qualified privilege, applies to the fair and accurate reporting of Parliament and Select Committees, all courts, coroners' courts, tribunals and similar bodies and to official inquiries, or bodies such as local authorities, official statements and documents published under government authority, eg, a Royal Commission of Inquiry.

Privilege in these instances is lost where it can be proved that the broadcast was made for an improper purpose or was motivated by ill will, spite or a desire to injure the complainant.

If in doubt seek guidance from the appropriate senior manager.

### Complaints

All complaints of defamation to programme makers should be referred to the appropriate senior manager.

[SEE ALSO: COMPLAINTS P.68 ]

## Coroner's Inquests

Coroners' Inquests are generally held in public. But a Coroner may prohibit publication of any evidence or part of proceedings on the grounds of justice, decency or public order.

### Suicide

Strict rules govern what may be reported in relation to suicide.

If there is "reasonable cause to believe that a death was self inflicted", we cannot report the manner in which the death occurred without the Coroner's permission. After a finding we can only report that the death was self inflicted and the name, address and occupation of the victim. We can only report further details with the Coroner's permission. But we only report such cases in exceptional circumstances, eg, death of a high profile public figure.

(Ref s29 Coroners Amendment Act 1996 and ss 25, 29 Coroners Act 1988)

*[SEE ALSO: TASTE AND DECENCY: SUICIDE P.49]*

## Privacy

Privacy issues and how they impact on reporting can be a contentious issue for the media. RNZ has its own set of guidelines on various aspects of privacy but we, along with other broadcast media, are subject to the regulatory provisions of the Broadcasting Act, 1989.

Under it, the Broadcasting Standards Authority administers the Radio Code of Broadcasting Practice by which formal complaints may be made against broadcasters for breaching principles, including those covering privacy, for which they can be penalised if upheld. There are eight privacy principles applying to broadcasters.

Privacy in the broadest sense means being left alone. RNZ respects the right of people to privacy. While public figures are more open to scrutiny, they still have a right to expect privacy unless wider public interest overrides this.

The law protects an individual against the disclosure of private facts that are "offensive and objectionable to a person of ordinary sensibilities" and public facts which have become private again by the passage of time, such as a criminal conviction. We should not publish private facts that destroy someone's seclusion or ridicule or denigrate them.

Broadcasting private facts must be justified by a legitimate public interest, such as public safety or health. Listeners have a right to information about public figures which is relevant to their office or functions. We should be cautious in reporting the private lives of public figures.

*[SEE ALSO: TRAGIC EVENTS P.52; FAIR DEALING WITH THE PUBLIC P.58; COVERT AND SURREPTITIOUS METHODS P.55; PRIVACY PRINCIPLES 77]*

## Children

RNZ seeks to act in the best interest of children as listeners and participants and subjects. As a general guide, a child can be regarded as being under 14, a young person between 14 and 18 and an adult anyone aged 18 plus.

### Children as Listeners

In considering matters of taste and decency RNZ recognises the need for special care in and around children's programmes and during the school holidays. We note that children find violence in realistic settings more upsetting than in fantasy settings, eg, fairy tales are less upsetting than stories of domestic violence or violence to pets.

Cautionary announcements should give information that helps parents decide whether content is appropriate for their children.

In our programmes for children RNZ does not wish to conceal the real world from them. Children's programmes should be relevant to children and not impose adult concerns and expectations about children's behavioural standards upon them.

### Children as Participants

The views of children and young people are legitimate and, if possible, should be sought on issues which affect them, rather than interviewing an adult to speak on their behalf.

However, before significant participation in programmes by children consent should normally be gained from both the children and their parents, guardians or those responsible.

We should interview children with care. Children are often open to suggestion and can be led in questioning. Young children may have difficulty in distinguishing reality from fantasy. Teenagers cannot always distinguish truth from hearsay and gossip.

When dealing with dangerous or illegal activity involving children (e.g. drug taking, prostitution), programme makers should consider being accompanied by an independent agency during any contact with the children.

### Children as Subjects of Stories and Programmes

RNZ is obliged by law to protect the privacy of children involved in legal cases. Proceedings of the Family Court or the Youth Court may only be published with the Judge's permission but with a strict prohibition on identifying young people or their guardians or any other information (such as their school) which may lead to their identification. We cannot identify witnesses under 17 or the victims of sexual crimes.

In interviewing adults about their own life or activity we must be careful they do not directly or indirectly identify any children as victims of sexual crimes.

*[SEE ALSO: CONTEMPT OF COURT P.31; TRAGIC EVENTS P.52; CRIME & COURT REPORTING P.28; WARNINGS P. 47; VIOLENCE P. 49; PRIVACY PRINCIPLES P.77]*

## Copyright and Permissions

In New Zealand, the copyright law is covered in the Copyright Act 1994. Copyright protects original works and allows copyright owners to control certain activities relating to their material.

Copyright can exist in original works such as in books, music, broadcast, cable and film. Generally, copyright does not protect information, ideas, schemes, techniques or styles. Individuals can research material, facts or ideas from various sources to write about a topic. It's only when someone copies another individual's words or structure that a potential breach of copyright could occur.

RNZ journalists and programme makers should have a good working knowledge of the laws relating to copyright and the exemptions that apply to their work.

### Plagiarism

Plagiarism ( the use of another person's ideas, work, words, etc. as one's own) is not tolerated by RNZ.

*[SEE ALSO: ATTRIBUTION P.37]*

### Copyright Exemptions

Copyright protection does not apply to certain government works like:

- parliamentary bills
- acts of Parliament
- regulations
- bylaws
- parliamentary debates
- Select Committee reports
- court and tribunal judgements
- reports of Royal commissions, commissions of Inquiry, ministerial inquiries or statutory inquiries

The Copyright Act exempts from liability certain acts which would otherwise be breaches of copyright. This is because there are certain occasions when a person is allowed to copy another's work due to considerations such as the wider public interest.

They also include:

- limited copying for educational purposes
- "fair dealing" for the purposes of criticism, review, news reporting, research or private study (see Fair Dealing below)
- reporting current events
- recording made for the reporting of current events or broadcasting
- public reading or recitation

Generally, copyright lasts 50 years from the end of the calendar year in which the author/performer dies.

Any queries should be referred to RNZ's Contracts Co-ordinator.

## **RNZ and Copyright**

RNZ is subject to numerous contractual obligations covering both our own and others material. These obligations are often complex. It can never be assumed that simply because we have a recording we are permitted to broadcast it – even if it is our own recording.

Programme material produced by RNZ programme makers is the property of RNZ. However, before material is used by other programmes its copyright status should be checked.

RNZ employees do not have the right to supply external parties with any programme material without permission. But programme makers can provide a copy of a programme to a contributor for non-commercial use, subject to the normal copyright and legal restrictions.

No RNZ employee may supply a complainant with a copy of any item broadcast. Any such request must be referred to the appropriate senior manager for consideration as part of the normal RNZ procedure for handling complaints.

*[SEE ALSO: ATTRIBUTION OF RNZ MATERIAL P.63; PARTNERSHIP PROJECTS P.64; USE OF RNZ WEBSITE CONTENT P.67; COMPLAINTS P.68]*

## **Fair Dealing or Fair Use**

Copyright does not exclude all forms of copying or re-broadcasting. The Copyright Act sets out some exemptions to infringement which allow some uses of copyright material without permission.

The most notable exceptions for journalists and programme makers in using other copyright material are fair dealing for criticism or review and fair dealing for reporting the news.

## **Review and Criticism**

You can use copyright material for the purpose of criticism or review without breaching copyright, provided the author and title of the work are credited and use is "fair".

The criticism or review can also use material, or sound bites, relating to previous works by the same author (e.g. a movie reviewer can use audio clips from other films as well as the one they are reviewing).

## Reporting the News

Copyright material can be used in reporting news where it is part of the story and as long as the author and title of the work is acknowledged.

## Music

Music can generally be used under RNZ's APRA and RIANZ agreements. However, there are exceptions.

If you are unclear on how the Copyright Act applies to a particular situation contact our Contracts Co-ordinator.

Our APRA agreement forbids the parody of music without permission from the author.

## Attribution

RNZ should endeavour to attribute all opinion and controversial statements of fact.

We want to sound objective, balanced and impartial as well as being so. This is helped by attributing to the relevant source all material from other media outlets.

RNZ attributes statements, beliefs, claims and revelation of previously unknown facts to named individuals or institutions wherever there is a possibility of the statement being open to challenge.

However, attributing a story does not, in any way, relieve RNZ of its responsibilities in assessing the story's accuracy and relevance.

We need to:

- report statements accurately and any qualifications applying to them
- make clear the status and number of un-named sources
- attribute to our own reporters where this is appropriate

*[SEE ALSO: EXTERNAL SOURCES P.24; PLAGIARISM P.35; SOURCES P.40]*

## Official Information Act

The Official Information Act (OIA) can be used to obtain information from most government and local body organisations.

Because Radio New Zealand is a Crown-owned Entity the OIA can be used by others to discover information that RNZ holds. It is important to remember that everything recorded and written (including reporters' notes) counts as information and can be discovered by others under the OIA unless there is a legitimate reason to withhold.

A requester can challenge any refusal by RNZ to supply information by complaining to the Ombudsmen's Office.

RNZ accepts that it is a fundamental principle of independent journalism that confidential sources will be protected. RNZ will not divulge confidential sources and will support its staff in protecting their sources.

*[SEE ALSO: SOURCES P.40]*

## Security Intelligence Service Act

The Security Intelligence Service (SIS) Act prevents publication or broadcast identifying any member of the New Zealand SIS (other than the Director), or anyone connected with a member of the Service (e.g. wife, mother, father, husband). The provision does not apply to the reporting of proceedings in Parliament.

It is also a contempt of court to reveal more detail than this when reporting a court case involving evidence from, or personnel connected with, the SIS.

We may not report an account of any evidence or proceedings before the Commissioner of Security Appeals unless that information is also revealed in Parliament.



## **Smoke-free Environments Act**

Radio New Zealand is subject to the Smoke-free Environments Act (SEA) which prohibits the publication of any “tobacco product advertisement”. In practical terms, RNZ must not broadcast material which encourages the use, or notifies the availability, or promotes the sale of any tobacco product, or promotes smoking.

## **Promotion of Liquor**

Radio New Zealand adheres to the Promotion of Liquor Code issued by the Broadcasting Standards Authority. RNZ should avoid advocacy of excessive liquor consumption and must not encourage drinking by people who are under age.

*[SEE ALSO: RADIO CODE OF BROADCASTING PRACTICE: PROMOTION OF LIQUOR P.75]*

## Ethical and Professional Considerations

Editorial staff have the responsibility to observe the highest ethical standards and to ensure their professional judgement is not influenced by pressures from political, commercial or other sectional interests or their own personal views.

*[SEE ALSO: EDITORIAL LINE P.15; CONFLICT OF INTEREST P.16]*

### Confidential Sources

#### Protecting Sources

Protecting sources is a key principle of journalism – for which some journalists have even gone to jail. It is, therefore, essential that Radio New Zealand journalists do not enter into undertakings of confidentiality lightly or without considering the possible consequences.

Promises of confidentiality given to a source or contributor must be honoured. RNZ's journalism will suffer if people who have provided information on condition they remain anonymous are subsequently identified. Reporters should avoid all situations in which the identity of a confidential source might become known. The passing of time makes no difference to an undertaking to protect a source: we protect them forever.

RNZ accepts that it is a fundamental principle of independent journalism that confidential sources will be protected. RNZ will not divulge confidential sources and will support its staff in protecting their sources.

*[SEE ALSO: OFFICIAL INFORMATION ACT P.38]*

#### Privacy Act

The Privacy Act provides protection from disclosure of personal information which could reveal a source.

*[SEE ALSO: PRIVACY P. 33]*

#### Confidential and Off-the-Record Sources

Information which the public should know is sometimes only available through a confidential source. Off-the-record conversations take place frequently between journalists and public figures. If the confidentiality of sources is not respected as a matter of principle, this would inhibit the free flow of information which is essential to the vitality of a democratic society.

#### Single Sources

RNZ should always endeavour to name the sources of information to listeners, but where an unnamed single source is relied upon the story itself

should be of significant public interest, and the source of proven credibility and reliability, as well as in a position to have significant knowledge of the events featured in the story.

### **Anonymous Sources and Serious Allegations**

When serious and major allegations are involved the credibility of an anonymous source must be evaluated by the Head of News and the Editorial Policy Manager. Where doubt still remains, the final approval will rest with the Chief Executive and Editor in Chief.

When approval is given to use such information all resulting stories will need to be carefully scripted to flag the nature of the allegation. It is particularly important that scripts are closely adhered to in live two-ways.

When later news bulletins/programmes follow up on the original story the editors should ensure that they understand the terms in which the allegations are to be reported.

*[SEE ALSO: ANONYMITY P.61]*

### **Note-taking**

Accurate and reliable note-taking is an essential and prime journalistic craft. Failure to take good notes, and keep them, can increase the risk of inaccuracy and reduce opportunities for checking.

Wherever practicable interviews with sources should be recorded. But where this is impractical full shorthand or longhand notes are the best alternative.

Journalists should not rely on memory but refer back to their notes. Any key points not found in the notes should be explicitly checked with the source before use.

A full and accurate record of conversations is especially important when dealing with serious and major allegations and is an essential element in Radio New Zealand being confident about the broadcast.

If notes give rise to any doubts whatsoever about what was said, then the journalist must check their accuracy with the source before broadcast.

It is mandatory for all reporters and producers to keep their own notebooks detailing the notes they have taken on their stories. These notebooks and other records of interviews should be dated and kept in a safe place with the expectation that they could be used to defend RNZ in court or during a Broadcasting Standards Authority complaint.

In the case of major or controversial stories, notebooks and recordings of interviews should be retained for a period of at least two years.

*[SEE ALSO: ACCURACY P. 21; OFFICIAL INFORMATION ACT P.38]*

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## Police

Radio New Zealand should maintain good communication with the police and seek their opinion where relevant.

### Release Of Names

The names of dead or seriously injured victims of newsworthy events must not be broadcast till police have advised the next-of-kin and released the names. This policy avoids unnecessary distress for next-of-kin through hearing of a family death second-hand. Exceptions can be approved only by the appropriate senior manager.

News programmes need to be particularly careful over reports from overseas involving New Zealanders. Names are often released by authorities overseas and carried by news agencies before any information has reached next-of-kin.

*[SEE ALSO: TRAGIC EVENTS P.54; ANNOUNCEMENT OF VIP DEATHS P.53; SUICIDE PP.33 & 49]*

### Police Messages

As a community service RNZ may broadcast police messages or warnings of traffic problems or emergencies. Bulletins and programmes may include police appeals for information about serious crime where it is relevant to major story coverage. There is however no obligation to do so and any such request will be dealt with on the basis of its news value.

*[SEE ALSO: LIFELINE UTILITY P.45; PORTRAYAL OF RACE AND CULTURES P.51]*

### Reporting Accidents And Disasters

In covering such events RNZ seeks to balance full, accurate reporting against the obligation to avoid causing unnecessary distress or anxiety. Emphasis should be placed on providing, swiftly and accurately, official information such as times, location, route or flight number. First estimates of casualty figures often turn out to be inaccurate. If different sources give different estimates we should either report the range or go for the source which carries the greatest authority and attribute the estimate accordingly. Corrections should be prompt and prominent without any attempt to conceal the mistake. Reporting should be sensitive and objective, but not inappropriately sentimental.

*[SEE ALSO: TRAGIC EVENTS P.54]*

### Naming Police Who Kill

RNZ observes the convention among mainstream media organisations that it will not name police officers using lethal force in the course of duty, unless there are compelling reasons to do so in the public interest, prior to any official findings by investigating authorities.

*[SEE ALSO: INNOCENCE P.28]*

### Accompanying Police on Operations

Police and other services sometimes allow groups of journalists to accompany them on particular operations such as drugs raids. There is a

clear public benefit in seeing the operations carried out, but there are risks too. The event may be aimed principally at gaining favourable publicity; it may offer only partial access to a wider operation and coverage may risk making the media appear part of the operation itself. Under no circumstances should any RNZ journalist or programme maker agree to any conditions which surrender editorial control.

*[SEE ALSO: UNREASONABLE DEMANDS UPON RNZ P.60]*

## **Demonstrations and Civil Disorder**

Demonstrations or civil disorder are legitimate news events but they can be manipulated by elements playing to the media, particularly to TV cameras.

Care should be taken to ensure that we cover the crux of the story as well as the more unruly and noisier elements. The issues and those involved should be clearly identified early in the piece.

Reporters should avoid involvement and should seek a safe vantage point in the event of violence. Police do not have the right to prevent journalists carrying out their lawful business. All lawful instructions from police should, however, be followed. Where they unreasonably interfere with your job, speak to the senior officer present and inform your office.

Crowd size is often contentious. If figures from the police and organisers are widely different, quote both.

The lead-up to a demonstration may warrant news coverage but we should avoid any perceptions of promoting it. News value judgements apply.

*[SEE ALSO: NEWS BLACKOUTS P.44]*

## **Terrorist or Siege Situations**

Some of the advice offered above, applies also to this section.

If weapons are involved or hostage taking, greater risk may exist for injury or loss of life.

We co-operate as far as possible with authorities. In reporting the event some detail may require sensitive handling to avoid tipping off the terrorists, making the job of negotiators more difficult or endangering lives.

In terrorist situations the media and police (with the backing of anti-terrorist authorities) have agreed on the following principles:

- information of public interest will be released to the media without unnecessary delay, unless there are compelling security or public safety reasons not to do so
- best endeavours will be made to provide as much information as possible without compromising the operations of officials working to resolve the incident
- operational decision-makers will be made available to provide comment

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- authorities to be notified of any contact between media and terrorists. Any request for withholding broadcast of such information will be most seriously considered by the relevant editor who will make the final decision
- with the exception of the Emergency Powers Act, relating to the anonymity around operational personnel, editorial control will remain with news media editors

[SEE ALSO: ANONYMITY P.61]

## News Blackouts

Circumstances such as civil disorder, terrorist incidents, sieges or hostage taking may prompt a police request for a news blackout. This must be referred to the Head of News. Although compliance with such a request will never be taken lightly and must be fully justified, it will be seriously considered, especially if lives are at stake.

In the event of a blackout, our reporter will continue on the job so that we can put the story to air as soon as possible after it is lifted.

***Dangerous circumstances, where lives may be at stake, call for responsible actions and reporting as well as mandatory upward referral to the most senior available news manager.***

[SEE ALSO: DEMONSTRATIONS AND CIVIL DISORDER P.43]

## Requests for Untransmitted Material

On occasion requests will be made to RNZ for access to untransmitted material, eg, by the police as part of a criminal investigation. RNZ will not voluntarily allow access to unbroadcast material when to do so could endanger people who work for the company or when it could make it more difficult to gather such material in the future. When approached for access to such material, journalists and programme makers should always refer in the first instance to their appropriate senior manager.

In many situations the media can operate only by virtue of being neutral observers. All these situations may involve danger for RNZ people. The danger may increase if those being recorded regard the journalist or programme maker as agents of authority who will automatically surrender any material they have recorded.

RNZ's editorial integrity could be damaged if other organisations and individuals are allowed access to untransmitted material for their own use, eg, such material should not normally be released to organisations for training and public relations purposes.

Any request for access to material which could point to the identity of a confidential source will be refused. Those who are refused access may take the matter to the courts. In such cases, RNZ will oppose any application for an order granting access and, if such an application is granted, will consider an appeal to higher courts.

## Lifeline Utility

As part of RNZ's role as a lifeline utility, in times of serious emergency such as an approaching tsunami, an agreement with the Ministry of Civil Defence and Emergency Management provides for the broadcast of special alerts to ensure urgent and timely information reaches communities that may be under threat. This arrangement does not impinge on the independence, role and function of RNZ news and current affairs.

*[SEE ALSO: EDITORIAL AUTONOMY P.9; INDEPENDENCE P.13; POLICE MESSAGES P.42]*

## Embargoes

It is not our policy to break embargoes, regardless of the individual or organisation from which they are issued. The embargo times and dates of such material are to be adhered to by all journalists and programme makers. Unless we have approval from the issuing organisation, our policy is not to pass on the contents of embargoed material in any way, to anyone.

But occasions will arise when it is felt that an embargo places Radio New Zealand at an unfair disadvantage in relation to other media or that it would be in the public interest to release the information ahead of the embargo time, for instance, when an embargo has already been broken by newspapers, television, a news website or another radio station. In such cases, the proper course is for the reporter or editor to go to the source of the embargoed release, explain what has happened and ask whether the embargo can be lifted. If the answer is no the matter should be referred to the appropriate senior manager for his/her decision. Cases in which RNZ has accidentally broken an embargo should be referred to the appropriate senior manager for guidance as soon as the mistake is realised. In the meantime, a mandatory HOLD should be put on the story.

In the event that RNZ already has the story from its own sources we may decline to accept embargoed documents. We can then run the story in our own right and at a time of our choosing. There are occasions when embargoes are misused to silence or manipulate the media. Any such instances should be referred to the appropriate senior manager.

*[SEE ALSO: SUB JUDICE P.29; NEWS BLACKOUTS P.44]*

## Taste and Decency

Radio New Zealand is required by the Broadcasting Act 1989 to maintain "...standards which are consistent with the observance of good taste and decency".

We do not broadcast material which is likely to offend a programme's target audience to a substantial degree. Programmes should respect and reflect the generally accepted values in society regarding such matters as vulgarity, profanity or sexual behaviour.

Material likely to be judged by listeners as being in bad taste must be justified by its purpose and by the overall quality of the programme. The likely expectations of listeners at the schedule time should be considered. Particular discretion needs to be exercised during school holidays.

There will be occasions when excising strong language, violence or sexuality would deny listeners access to events or reflections of reality which may contribute materially to an understanding of the world in which they live.

The right of comedy, drama and the arts to challenge audience expectations and assumptions in creative, surprising and innovative ways must be safeguarded but circumstances must justify this. Listeners should not be needlessly or gratuitously offended by what we broadcast and publish.

### Online

RNZ should never put anything on the internet which it would not be prepared to broadcast.

*[SEE ALSO: ONLINE P.66]*

### Comedy and Entertainment

Comedy enjoys special licence, flourishing on departures from the norm and exploiting people's misfortunes. Even so it must be well judged, not gratuitous, unnecessarily cruel or designed to harm or humiliate a person or group.

*[SEE ALSO: COVERT METHODS AND ENTERTAINMENT P.57]*

### Music

Daring music is part of our mix, but songs which feature strong language or explicit content dealing with drugs, violence and sex will normally be inappropriate for playlisting. If a radio version exists we will play it and, where appropriate, make clear it is a radio version. We may also, where appropriate, edit music for programmes.

At night and in specialist music programmes listeners can be assumed to be capable of making informed choices about programmes supported by adequate sign posting. Here the intended versions of music may find their



place if they pass the quality test and are a genuine expression of artistic or popular culture.

*[SEE ALSO: OFFENSIVE LANGUAGE P.47]*

## **Warnings**

RNZ seeks to avoid taking listeners by surprise. Whenever a programme contains material that might be offensive to significant numbers of listeners - particularly children - cautionary announcements before or during the programme should be used.

RNZ should ensure that warnings give listeners enough information to decide whether they wish to continue with the programme or if it is suitable for their children to hear. Warnings should be clear and factual, neither urging listeners to turn off nor daring them to stay.

*[SEE ALSO: CHILDREN AS LISTENERS P.34]*

## **Offensive Language**

Radio New Zealand adopts a conservative approach to the use of language on air. While RNZ broadcasts programmes from time to time which challenge our audience, we do not wish to offend listeners with gratuitous offensive language.

The words “cunt”, “motherfucker”, “nigger” and “fuck” are not to be used on air in any circumstances other than that approved by a senior manager. In general, senior managers will never approve the use of “cunt” or “motherfucker” and the words “nigger” or “fuck” will only be approved in rare circumstances where context justifies their use.

RNZ discourages the on air use of other strong language and blasphemous terms when used as expletives. It is generally not appropriate for staff or contractors to use offensive language on air themselves. Editorial decisions regarding potentially offensive language in interviews and programmes should take account of the considerations below. If in doubt refer to the appropriate senior manager.

### **Considerations for Decisions Regarding Language**

Strong language is less likely to cause offence where it does not surprise because warning is given, it is in context, it is not contrary to the expectations of the programme’s target audience or does not appear gratuitous.

There are also occasions when language likely to offend listeners may be justified:

- where editing would impair the integrity, significance or context of the information which is in itself important enough to justify broadcast

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- when excising strong language would deny listeners access to events or reflections of reality which may contribute materially to an understanding of the world in which they live
- where context and editorial merit justify its use

Shock value is not a justification. Listeners should never be offended gratuitously.

RNZ networks have an overwhelmingly adult audience. However, we must exercise special care in and around children's programmes and during the school holidays.

## **Offensive Language in News Stories**

The use of offensive language can rarely be defended in statements we make ourselves, but may be defensible in actuality of newsmakers. We must justify inclusion by being able to say honestly that:

- the essence of the story could not be told adequately without the use of the words
- it was important to our listeners that the story be told

Reporters must have editorial approval before filing stories containing offensive language. All such approvals should be indicated on stories filed.

## **Terms of Racial Abuse in News Stories**

We must never use terms of racial abuse ourselves. Sometimes the use of such a word may be a story in itself and it is not for us to "clean up" the language of newsmakers. When quoting others' use of these words we must clearly attribute the word and be sure that the quote is justified. If in doubt consult the Head of News or Editorial Policy Manager.

## **Sex and Sexuality**

Sex and sexuality are legitimate topics for programme makers who deal with them through discussion, reportage, reference and dramatic depiction. Any of these treatments can be appropriate if handled with integrity, sensitivity and without sensationalism. Where appropriate, Radio New Zealand informs listeners about a programme's content in advance.

*[SEE ALSO: SEXUAL VIOLENCE (NEXT PAGE)P.49]*

## Violence

The portrayal of violence needs careful consideration. Radio New Zealand does not wish to encourage aggressive behaviour, indifference or insensitivity. In factual programmes violent scenes or events must be an accurate reflection of reality and appropriate to the context of the programme. Violence should never be gratuitous or presented in a way that distorts its validity or overemphasises its importance.

Programme makers should take particular care when programmes involve:

- domestic or sexual violence
- extreme or sustained violence
- any apparent encouragement or approval of violence
- suicide or attempted suicide

Where a programme contains violent material likely to be disturbing to listeners, particularly children, a warning announcement is appropriate.

## Sexual Violence

The portrayal of sexual violence should not imply approval or acceptability of sexual exploitation or degradation. Care should be taken to avoid any perception of endorsement of sexual violence as an erotic experience. Rape is assault and it would be wrong to suggest otherwise.

*[SEE ALSO: CRIME AND COURT REPORTING: IDENTIFICATION P.28; PAEDOPHILES/SEX OFFENDERS P.29; CONTEMPT OF COURT P.31; SEX AND SEXUALITY P.48]*

## Violence in News and Current Affairs

The inclusion of violent actuality in news should be merited by newsworthiness, but with regard for the feelings of reasonable listeners. Violent actuality should not be considered newsworthy for its own sake. Violence should never be sensationalised, but neither should we avoid or sanitise reality.

Care should be taken by court reporters in how much detail is included in descriptions of particularly horrific or sickening evidence. Remember that news bulletins can be heard at any time of the day.

*[SEE ALSO: CRIME AND COURT REPORTING: LANGUAGE P.28; CHILDREN P.34; REPORTING ACCIDENTS AND DISASTERS P.42; TRAGIC EVENTS P.52]*

## Suicide

Portrayal and coverage of suicide may encourage further suicides and RNZ should be sensitive to this risk.

The depiction of suicide in drama should be handled with extreme sensitivity; responsibility should be exercised to ensure that events or methods depicted do not encourage others to copy these actions.

RNZ news does not cover suicides except in exceptional circumstances, eg, the death of a high profile public figure. However, stories associated with

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suicides, eg, the effects of a suicide on traffic and those regarding the general topic of suicide rather than individual cases, are legitimate.

The law obliges us not to identify the victims or means of suicides occurring within New Zealand until a coroner's inquest has made a finding. At that point we can report a victim's name, address, occupation and that the death was self-inflicted. However, we would only do so in exceptional circumstances. Further details require permission from the coroner.

We should beware of jigsaw identification: whereby our news, when connected with details from other news outlets, identifies a suicide victim.

*[SEE ALSO: CORONER'S INQUESTS: SUICIDE P.33]*

## Religious Sensibilities

While Radio New Zealand does broadcast programmes of and about religion, it does not hold to or promote any particular belief system or form of religious expression.

We should also be sensitive to certain protocols applying to places of special sensitivity or importance for a particular group whether it be a mosque, a marae, church or synagogue.

## Religious Portrayals

People and countries should not be defined by their religions unless it is strictly relevant. Particular religious groups or factions should not be portrayed as speaking for or representing their faith as a whole.

## Avoiding Offence

Programme makers dealing with religious themes should be aware of what may cause offence. Deep offence may be caused by profane references or disrespect directed at deities, scriptures, holy days and rituals which are at the heart of various religions. Religious belief and practice should be described sensitively, accurately and consistently.

But avoiding offence should not be confused with compromising or altering other key RNZ values such as impartiality, accuracy and respect for the truth.

*[SEE ALSO: RACE AND CULTURE P.51]*

## Race and Culture

Radio New Zealand is required under the Charter to reflect New Zealand's cultural diversity including Maori language and culture. RNZ programmes should give a full and fair view of people and cultures in New Zealand, reflecting and drawing on this diversity to reflect life as it is.

### Portrayal of Race and Cultures

In portraying social groups, stereotypes should be avoided. While issues of race and culture must be handled with care, we must not resile from our responsibility to report such issues fully and openly.

Where prejudice, disadvantage or tension exist we need to report and reflect them in our programmes, but we should do nothing to perpetuate them.

Ethnic cultures within New Zealand cannot simply be equated with the cultures of their countries of origin.

RNZ does not refer to the colour, race, impairment, sex or age of individuals unless it is relevant. Race and colour may legitimately be used as part of a police description of an individual they are seeking, provided the use of these is not selective. In other words we should ensure that identification by race or colour is both relevant and even handed.

We avoid the use of expressions or language which assume our listeners are all of one race or ethnic group or other category.

When describing different groups a good rule of thumb is to ask how people describe themselves: there have to be good reasons for calling them something different. Likewise, where something being discussed is essentially Maori it is always appropriate to use the Maori word. It enhances the credibility of our report to do so.

RNZI programme makers will exercise particular sensitivity in avoiding expressions that may cause undue offence to its overseas listeners.

But avoiding offence to listeners of different cultures or other distinctiveness should not be confused with compromising or altering other key RNZ values, such as impartiality, accuracy and respect for the truth. Nor should it prevent the expression of genuinely held opinion in a news or current affairs programme, or content presented in the legitimate context of a humorous, satirical or dramatic work.

### Disability

We should avoid labelling people with their impairment or using negative language to describe disability. References such as "wheelchair-bound" and "invalid" are examples of negative disability language. Terms such as "schizophrenic" tend to label people as being, rather than having, a condition.

## Tragic Events, Disasters, Death Scenes and Funerals

The reporting of death in our news and programmes is a sensitive issue requiring careful handling. While death itself is a matter of public record, the grieving of relatives and friends is a matter of privacy which should be respected. Children in particular should be treated with great sensitivity.

*[SEE ALSO: CHILDREN P.34]*

### Reporting Grief and Suffering

Coverage of personal grief may sometimes have a legitimate editorial purpose but must not be exploited for sensational effect or prolonged unnecessarily. We should not record or broadcast a relative being informed of the death of a family member.

We should be sensitive in recording people who are extremely distressed. Natural sound can be as disturbing as pictures and should be treated with care. To use disturbing sound we must be satisfied that it is genuinely important in helping listeners understand the impact of the event.

*[SEE ALSO: REPORTING ACCIDENTS AND DISASTERS P.42]*

### Interviews with Victims, Witnesses and the Bereaved

Immediately after trauma and in early bereavement people may be in shock and may not be able to make rational choices about being interviewed or judgements about what they are saying. Great sensitivity should be exercised in deciding whether there is a public interest in seeking or using such comment. People in a state of distress must not be put under any pressure to provide interviews against their wishes.

On occasion the police or other authorities may arrange or offer bereaved people for interview. This involvement does not justify use of voyeuristic or profoundly distressing material: an important purpose must be served by broadcasting it.

Children who have recently been victims of, or eyewitnesses to, a tragedy or traumatic experience should be interviewed only in exceptional circumstances. Such interviews should always be conducted in the presence of a parent or guardian.

*[SEE ALSO: INTERVIEWING WITNESSES P.29]*

### Funerals

While the approval of families is not required for media coverage of funerals, good reasons are needed if the wishes of the family are to be ignored. Coverage of a funeral service, however, does require the approval of the family.

We should always ensure that funerals are covered sensitively and should avoid intrusive conduct. RNZ journalists would not normally be expected to go to the graveside.

In general the same approach will apply to a Maori funeral ceremony or Tangi. Where this occurs on a marae then permission to enter must be sought in the usual way. A marae is private property. There may be restrictions on where media representatives are allowed.

*[SEE ALSO: RELIGIOUS SENSIBILITY P.50]*

## Extraordinary Events

### Major Disasters and Events of National Crisis

Coverage should be incorporated into live programming proportionate to the significance of the event. Where appropriate, and with the approval of the Chief Executive and Editor in Chief, normal programming may be suspended and replaced by special news programming or rolling news coverage.

Pre-recorded programming may be interrupted for a special news announcement pointing to further coverage in the next available news bulletin. Where appropriate, and with the approval of the Chief Executive and Editor in Chief, pre-recorded programming may be abandoned and replaced by special news programming or rolling news coverage.

Programming on Concert FM may also be interrupted for a special news announcement pointing to more detailed news coverage provided by National Radio. Where appropriate, and with the approval of the Chief Executive and Editor in Chief, programming on Concert FM may be suspended with the network simulcasting special news programming or rolling news coverage provided on National Radio.

Where the Chief Executive and Editor in Chief is not available, the above decisions may be made by the Head of News. In the event that neither person can be contacted the decision may be made by the most senior news manager on duty at the time.

### Announcement of VIP Deaths

In the event of the death of the Queen, Prince Charles or the Prime Minister, normal programming should be interrupted for a special news announcement. This announcement will be supplied to the rostered presenter or newsreader by the newsroom. It is not to be ad-libbed without direction.

Coverage of the event should be incorporated into live programming with due gravity and respect.

Pre-recorded programming should be abandoned and replaced by special news programming as soon as practicable after the announcement.

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Where appropriate, and with the approval of the Chief Executive and Editor in Chief, normal programming may be suspended and replaced by special news programming or rolling news coverage.

Where the Chief Executive and Editor in Chief is not available, the above decisions may be made by the Head of News. In the event that neither person can be contacted, the decision may be made by the most senior news manager on duty at the time.

*[SEE ALSO: RELEASE OF NAMES P.42]*

## **Tragic Events and Sensitive Scheduling**

The aftermath of a tragic event calls for considerable sensitivity by broadcasters. Scheduling changes may be required to ensure that nothing that might cause widespread offence is broadcast inadvertently. Anniversaries of tragic events may also raise similar considerations.



## Covert and Surreptitious Methods

As a general rule, Radio New Zealand conducts its journalism and programme-making in the open. However, there are occasions when it is acceptable for RNZ to investigate issues and record material in a more discreet manner. These may include:

- where the safety of staff might be at risk if their role or activity was known
- where important information or material which is in the public interest cannot be gained by other means (particularly in the investigation of illegal, anti-social or fraudulent activity or behaviour, or significant abuses of public trust)
- where material cannot be gathered openly, in places where local law or practice suppresses fundamental freedoms or seriously impedes responsible programme making
- when investigating issues of serious anti-social or criminal behaviour
- where overt recording may significantly alter behaviour harming the programme maker's ability to accurately capture reality
- where secret recording or deception are intrinsic to an entertainment programme (in this case RNZ must obtain the individual's consent prior to broadcast)

Covert or surreptitious methods should only be employed with due regard to their legality, fairness and invasion of privacy. All proposals to use covert or surreptitious methods require approval from the appropriate senior manager.

### Recording and Broadcasting Private Conversations

RNZ News does not record conversations or interviews for broadcast without the permission of all parties. Exceptions may be made in some cases where information is not obtainable by other means, is indispensable to an important purpose and concerns illegal, anti-social or fraudulent activities or clear and significant abuses of public trust. Prior permission must be gained from the Head of News or Editorial Policy Manager.

It is rare for non-news programme makers to record private conversations for broadcast without the knowledge of all parties to the conversation. Approval to do so must be gained from the appropriate senior manager prior to recording.

It is permissible for programme makers to record their own telephone conversations for note-taking purposes or to defend RNZ against possible legal action. Such recordings should not be broadcast.

*[SEE ALSO: FAIR DEALING WITH THE PUBLIC P.58]*

## **Covert Recording**

Covert recording (the use of hidden microphones) while not a routine production tool, may sometimes be legitimate. It must always be approved by the appropriate senior manager.

## **Misrepresentation**

RNZ employees and contractors should not misrepresent themselves or their purposes to gain information. However, there may be occasions when it serves a legitimate purpose for a programme maker or journalist to seek information as an ordinary member of the public rather than in their professional capacity (e.g. during investigation of schemes to defraud the public or during consumer investigations). They should never represent themselves as someone else.

When entering countries to work for RNZ people should normally be open about their purpose. Any proposal to work for RNZ overseas under a tourist visa in order to avoid visa restrictions should be referred to the appropriate senior manager.

## **Recording in Public Places**

Some public places are actually private property to which the public has ready access (e.g. railways stations, public transport and malls). When considering secret recording in such places programme makers should be aware of the laws regarding trespass.

People cannot expect the same degree of privacy in a public place that they do in their home and RNZ cannot guarantee that recordings made in public places will not cause people embarrassment; however, we should not embarrass or harass people needlessly.

*[SEE ALSO: PRIVACY P. 33; PRIVACY ACT P.40]*

## **Surreptitious Recording of Anti-Social or Criminal Behaviour**

When investigating anti-social or criminal behaviour, surreptitious recordings should only be made on private property where prima facie evidence implicates those individuals being recorded, or implicates a clearly defined group of people (e.g. home repair workers exploiting old people).

RNZ should never go on “fishing expeditions”, secretly recording on private property in search of crime or anti-social behaviour without prima facie evidence against those being recorded.

RNZ will never plant an unattended recording device (a “bug”) on private property without the permission of the owner, or in the case of a tenanted property, permission of the tenant. No unattended recording device will be used for the purpose of recording conversations to which the person making the recording is not a party.

Where we investigate anti-social or criminal behaviour any resulting programmes or reports should not give a distorted picture of such activity.

### **Secret Recordings Made by Others**

When RNZ is offered material covertly recorded by others the test that determines whether it should be broadcast by RNZ is whether, under similar circumstances, RNZ would have felt it appropriate to make the recording. Such material must not be broadcast without approval from the appropriate senior manager. If material obtained in a manner inconsistent with RNZ's guidelines is of strong public interest it may be possible to report the content of the material without actually broadcasting the material itself.

### **Covert Methods and Entertainment**

Covert methods may be employed at times for the purposes of entertainment or comedy programmes. However, this must always be with the utmost respect for the privacy and feelings of those recorded. In this area the following principles apply:

- permission for broadcast must always be granted by anyone featured prominently in or potentially embarrassed by recordings
- we should never aim to expose people to hurtful ridicule or to exploit them
- we should respect the wishes of individuals who become aware of the recording and ask for it to stop
- we should give assurances regarding destruction of material recorded if requested

*[SEE ALSO: UPWARD REFERRAL P.11; PRIVACY P. 33; PRIVACY ACT P.40; FAIR DEALING WITH THE PUBLIC P.58 ]*

## Fair Dealing with the Public

Radio New Zealand programmes are based on openness and impartiality. Contributors to them should be treated with honesty, fairness and respect.

*[SEE ALSO: FAIRNESS P.13]*

## Interviewees & Participants

### Informed Consent

Participants should normally be told, before they contribute, the general nature and purpose of their contribution. They should not feel misled, misrepresented, or exploited.

### Right of Refusal

RNZ respects the right of individuals and organisations to refuse to participate. Where the audience may wonder why an individual or viewpoint is not represented it may be appropriate to explain the absence simply and without prejudice. We should give reasons where they exist but refrain from speculating.

Refusal to participate should not normally act as a veto on a story except where the refusal invalidates the idea behind the programme.

*[SEE ALSO: WITHDRAWAL OF CONSENT P.60; VETO OF PROGRAMME MATERIAL P.61]*

### Interviewing without Consent (Doorstepping)

Phoning someone live without prior agreement, or revealing after a call has begun that it is being recorded for broadcast, is rarely acceptable. However, when a person crucial to an important story has refused to comment or be interviewed on unreasonable grounds it may be necessary to confront and record the subject without his or her consent as a last resort. It should only be done with the approval of the appropriate manager.

*[SEE ALSO: COVERT AND SURREPTITIOUS METHODS P.55; HARASSMENT P.59]*

### Interviewing Code of Conduct

Good interviewing is part of the edge RNZ enjoys over other broadcasters.

Interviews may be searching, sharp, sceptical, rigorous and challenging. The audience will accept and support such an approach where it is appropriate to the topic, the guest and the nature of responses.

However, interviewees must be treated fairly and with respect at all times. RNZ makes a clear distinction between an assertive or persistent manner and that of rudeness or hectoring which is not acceptable and often unproductive.

It is reasonable for interviewees to have the opportunity to respond to a question in their own words. While a direct question might seek a straight answer, an interviewee should be able to qualify their response if they seek to do so. Evasion and filibustering should be politely but firmly exposed once it is clear that the interviewee is trying to avoid the issue.

Interviewers must refrain from personal advocacy or giving any impression of bias whether through tone, inflection or careless wording.

The way we interview is key to perceptions of RNZ's ability and effectiveness in uncovering critical and relevant information in an uncompromising, fair and credible way.

*[SEE ALSO: PERSONAL OPINION P.15; CONFLICTS OF INTEREST P.16]*

### **Honorifics**

RNZ uses honorifics such as Mr, Mrs or Ms in its on air references. The only exceptions are sports and entertainment figures (where informality is more appropriate).

During news interviews presenters should be careful to address their interviewees with an honorific rather than using their first names. Referring to someone as "John" rather than "Mr Smith" could suggest bias or imply that they are not being asked the hard questions because of friendship with the interviewer.

*[SEE ALSO: CRIME AND COURT REPORTING: INNOCENCE P.28]*

### **Editing Interviews**

When interviews are edited the interview must remain a true reflection of the original. Any music, sound effects or special effects should be used with care not to distort reality or make editorial comment.

*[SEE ALSO: MAINTAINING ACCURACY IN EDITING P.21]*

### **Harassment**

Generally RNZ avoids harassment. However, there are circumstances when we will more vigorously pursue a story (e.g. confronting a fraudster).

*[SEE ALSO: INTERVIEWING WITHOUT CONSENT (DOORSTEPPING) P.58]*

### **Public Figures**

Prominent public figures must expect media attention when they become the subject of news stories, but the level of attention and its methods must be appropriate to the importance of the story. Our actions should respect the rights of public figures to a proper level of privacy. We should avoid causing undue harassment.

*[SEE ALSO: PRIVACY P. 33; PRIVACY ACT P.40;ANNOUNCEMENT OF VIP DEATHS P.53]*

## Unreasonable Demands Upon RNZ

While Radio New Zealand should be reasonably open about its intentions in an interview, interviewees and other programme contributors sometimes make unreasonable demands. Programme makers should politely but firmly refuse any demand that could compromise their ability to work in an independent, honest, free and fair fashion. RNZ will support them in this.

Except in certain types of programmes, (e.g. co-productions, music recording), RNZ will not generally accede to demands:

- to audition or approve any resulting programme prior to broadcast
- to participate in the post-production of material or contribute to its editing

Generally RNZ will not accede to demands:

- to provide questions in advance (although we should outline the broad nature of an interview)
- to avoid question lines; RNZ must retain the right to ask, the guest is free to say 'no comment'
- to give undertakings about precise forms of questions

Where, after careful consideration, RNZ determines it is appropriate to proceed with an interview under restricted conditions, those conditions should be made very clear on air when the interview plays.

RNZ will not accede to demands:

- to give payment for an interview (though it may assist with reasonable travel costs and expenses)
- to guarantee indemnity, legal support or assistance if what they say becomes the subject of legal action
- to guarantee any broadcast resulting from a contribution; RNZ alone has the legal and editorial control and responsibility for what it broadcasts

### Requests for Right of Reply

There is no automatic right of reply. However, where RNZ recognises a significant unfairness or imbalance it will take the remedial action it deems necessary.

### Withdrawal of Consent

Material recorded in accordance with RNZ editorial policies may be used for broadcast except in extraordinary circumstances. No willing participant has the right to prevent their contribution being used. However, requests for withdrawal or amendment should not be dismissed without consideration. There must be sufficient reason to proceed with broadcasting a programme against the express wishes of a contributor.

*[SEE ALSO: RIGHT OF REFUSAL P.58; VETO OF PROGRAMME MATERIAL P.61 ]*

### **Veto of Programme Material by Invited Participants**

Participants in programmes will not be granted the right to alter or veto any portion of a programme. The responsibility for programme material cannot be transferred from RNZ, which is solely responsible for what it broadcasts and for ensuring programmes follow its editorial policies.

### **Anonymity**

There is no obligation to name all contributors to RNZ programmes. However, programme makers should name people wherever relevant, agreeing to anonymity only where the contribution is significant to the programme objective and the reason is valid. Valid reasons may include safety, serious embarrassment and legal issues. Anonymity should be made clear on air.

*[SEE ALSO: CONFIDENTIAL SOURCES P.40]*

### **Censorship**

Where programme material has been affected as a result of submission to censorship from foreign authorities, it should be so identified on the air.

There may also be cases where a producer or journalist has been hampered in pursuing, preparing or filing a story. Examples might include being subjected to coercive or threatening behaviour of any kind; being required to use a translator or other support staff supplied by a government or other body; denial of access to individuals willing to be contacted, or to a particular area; refusal by an agency to feed material on request. Where such restrictions are deemed to have had any serious effect they should be brought to the attention of the audience at the time of broadcast.

*[SEE ALSO: NEWS BLACKOUTS P.44]*

## External Dealings

### Programme Funding and Support

Radio New Zealand is committed to its Charter responsibility to broadcast freely and fairly in all areas of programming and does not enter into any external programme funding agreement which may compromise RNZ's editorial independence.

RNZ is resourced by public funding and does not accept any form of external commercial funding or sponsorship in relation to its on air content.

RNZ may from time to time accept funding support from other publicly funded organisations to assist in our programme making activities.

Such funding support will be accepted only where:

- the programming content is consistent with the Charter objectives of RNZ
- RNZ retains absolute editorial control; and
- such arrangements are publicly transparent either through appropriate on air acknowledgement and/or published on the RNZ website

News and Current Affairs coverage is funded internally. Perceptions that it is not could be damaging. Travel assistance may be considered but only in exceptional circumstances. It would have to be non-commercial, free of obligation and where a major news event would otherwise not be covered, for example accompanying the Prime Minister or an official on non-scheduled transport.

RNZ programmes (outside News and Current Affairs) may widen this beyond travel assistance to facilitate important stories within the context of meeting Charter obligations. All assistance must also be non-commercial and free of obligation. Where substantial assistance is given, this should be acknowledged on air and where appropriate on the RNZ website.

RNZ's credibility must not be jeopardised by the perception of external influence.

All such proposals must be approved by the Chief Executive.

*[SEE ALSO: CONFLICT OF INTEREST P.20; RNZ'S ROLE IN NEWS & CURRENT AFFAIRS P.23]*

### Reviewing

It is permissible for RNZ to accept books, music, performance tickets and other such items from commercial organisations for review, evaluation and on air use. In doing so it does not guarantee any outcome.

*[SEE ALSO: SPECIALIST ANALYSIS AND REVIEWS P. 15]*



## **Probity Policy: Gifts and Favours**

Programme makers are expected to maintain a high standard of professional and personal integrity in the performance of their duties and to carry them out in a fair and impartial manner at all times. This includes:

- not giving preferential treatment to any person or organisation with which they are involved
- not taking actions which could be seen to influence or be influenced by their personal interest
- not accepting substantial gifts, payment or hospitality from contacts or people who represent or may become contacts or newsmakers
- small promotional gifts may be accepted, however, any gift (including hospitality) must be declined if more than of a modest nature
- no payment associated with the broadcast or non-broadcast of a story (including reimbursement of costs) is to be accepted under any circumstances

The acceptance of gifts, entertainment, favours, personal discounts and other simple gratuities must be declared to the appropriate senior manager.

*[SEE ALSO: CONFLICT OF INTEREST: REWARDS FOR BROADCAST; GIFTS, PAYMENTS AND HOSPITALITY; & OFFERS OF TRAVEL P.20]*

## **Attribution of RNZ Material**

Any media outlet reprinting or rebroadcasting any RNZ sourced material should give the appropriate credit, not just the name of the programme. The company brands are Radio New Zealand National, Radio New Zealand Concert, Radio New Zealand International, Radio New Zealand News and Radio New Zealand Sport.

Approval for RNZ news excerpts to be used by other media must be given by a senior news manager. In the case of other programme areas permission should come from the appropriate senior manager.

*[SEE ALSO: INTELLECTUAL PROPERTY P.19; USE OF RNZ WEBSITE CONTENT P.67]*

## **Use of RNZ Logo, Company Name or Brands**

RNZ's logos and brands are respected and valuable assets and it is important that their usage is centrally co-ordinated to ensure RNZ's public image is managed in line with the company's overall strategic policies.

The use of RNZ's name, logos and other registered trademarks is strictly controlled. The following guidelines apply:

- RNZ logos and brands may only be used by third parties with the written approval of the Communications Manager
- RNZ's brands or logos can never be attached to any product, service or outlet which threatens the editorial independence or integrity of RNZ and its commitment to the Charter

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All issues and requests in this area must be referred to the Communications Manager.

*[SEE ALSO: INTELLECTUAL PROPERTY P.19; USE OF RNZ WEBSITE CONTENT P.67 ]*

## **Partnership Projects**

As a general principle RNZ's involvement in publishing, music production, shared internet links or other joint projects will only be considered if they support Charter objectives, reinforce the RNZ brand, enhance programming and services and meet editorial and company policies. There must also be appropriate acknowledgement of RNZ and its role in the project.

*[SEE ALSO: INTELLECTUAL PROPERTY P.19; USE OF RNZ LOGO, COMPANY NAME OR BRANDS P.63; USE OF RNZ WEBSITE CONTENT P.67 ]*

## **Promotions and Advertising**

Programmes that are free of commercial messages and their possible implications is one of the major points of difference between RNZ and other broadcast media. It must be protected.

No promotional activity can be taken by RNZ which undermines the integrity and values of our brands.

While it is acknowledged that RNZ is operating in a highly competitive commercial world, our own networks are strictly non-commercial and mention of products or services on air, other than our own, is to be avoided wherever possible.

*[SEE ALSO: CONFLICTS OF INTEREST: REWARDS FOR BROADCAST P.20; ONLINE: LINKING TO EXTERNAL SITES P.66; RADIO CODE OF BROADCASTING PRACTICE: LIQUOR PRINCIPLE P. 75 ]*

## **Fair Comment**

Where we are reviewing product in a lifestyle or consumer programme, great care must be taken to avoid promoting or endorsing a particular product. We specify to programme participants any items to be discussed and how they're discussed to avoid any public perception of promotion.

Programmes must never give the impression that they are endorsing or promoting any product, service, or company. References to all products and services should be editorially justifiable and there should be no element of plugging.

We should avoid:

- mentioning the supplier's name
- addresses including retail outlets, phone, web and email details

In publicising upcoming events we should avoid the perception or impression of promoting commercial activity.

If in doubt clarification should be sought from the appropriate senior manager.

## **Prizes and Giveaways**

RNZ may accept minor items such as CDs or tickets to entertainment events from commercial organisations to be used in listener competitions or giveaways. The acceptance of such items must never influence any editorial decision, however, and such arrangements should always be transparent.

RNZ does not accept nor offer cash prizes.

## **Endorsements**

No staff member is permitted to endorse or be involved in the promotion of any non-RNZ products and services.

Any exceptions should be referred to the Chief Executive.

When employing casual staff or contractors managers should establish that they do not have any existing commercial arrangements which may be a conflict of interest.

*[SEE ALSO: EDITORIAL LINE: PERSONAL OPINION; & SPECIALIST ANALYSIS AND REVIEW P.15  
CONFLICT OF INTEREST: OUTSIDE COMMITMENTS AND RELATIONSHIPS P.18; CASUAL STAFF AND  
INDEPENDENT CONTRACTORS P.19; PROMOTIONS AND ADVERTISING P.64]*

## **Naming Rights Sponsors**

RNZ should avoid gratuitous reference to commercial sponsors of events and venues.

RNZ is not obliged to refer to naming rights sponsors and is not in the business of providing publicity to commercial organisations.

Reference to commercial sponsors should be made only where it is considered necessary for effective communication with our listeners (e.g. where the name of a sporting venue has become inextricably linked to its naming rights sponsor).

## **Scholarships and Awards**

No employee is to accept a scholarship or work study assignment without the prior approval of the Chief Executive and Editor in Chief. Where such approval is granted the employee must ensure that any stories or programmes generated do not compromise the editorial integrity of RNZ.

## Online

Radio New Zealand maintains an online presence through email and its websites. All editorial policies and values applying to our on air services equally apply to our online output. Special care must be taken when using material not previously broadcast to ensure that all editorial policies have been followed.

The following policy also applies to on air mentions of external websites and to links which may be referred to on RNZ's own websites.

### **Linking to External Sites**

When providing links to or recommending other websites programme makers need to be conscious of the content and nature of those sites. The establishment of a link must add value to RNZ programme content and not damage RNZ's editorial independence. Issues of commercialism, good taste and decency must be carefully considered.

RNZ's websites should only provide links to sites aimed primarily at providing factual information and not to sites advocating particular points of view. Context may be a relevant factor in deciding if a link is appropriate and it is often useful to those using the RNZ website to explain why a link has been offered (e.g. that proposed legislation can be found at the linked site).

Programme makers must review the content of websites to which links are provided to ensure they are relevant and appropriate.

Links must never be provided in return for a consideration of any kind.

RNZ will not provide links:

- to any site whose primary purpose is selling products or services (except where software is required to view or listen to our material)
- from RNZ pages aimed at children to websites designed to sell to children
- to sites that promote illegal or violent behaviour unless there is a compelling editorial reason to do so. Suitable warnings must be posted
- to a political party's site unless the site itself is the subject of a story
- to commercial sites except where the target site provides new or additional information to a story. However, the mention of a company name in a story, in itself, will not be justification

RNZ must not identify with or endorse any message, information or promotion on external websites. When providing links the following disclaimer should be displayed:

*"Radio New Zealand is not responsible for the content of external websites".*

Occasionally RNZ may provide links to sites where the content may offend or upset our listeners. Care must be taken in this area, and other possibilities such as hosting intermediate pages providing an outline, or summary indicating that offensive material is about to be accessed, should be considered.

***RNZ programme makers should be aware that information published on our website can be accessed internationally and may be subject to the laws of other countries.***

If there is any doubt the normal process of upward referral applies.

### **Audience Feedback**

RNZ seeks feedback from its audience in a variety of ways. As with on air programmes, feedback is not to be published unmoderated. Special care needs to be taken in this area as RNZ takes on all the responsibilities of a publisher if a programme publishes listener feedback via the website or circulates it via email either internally or externally.

### **Archives**

Online services allow for the long term preservation and presentation of material. Mindful of stories which can develop quickly, every news item posted to the RNZ website must be date/time stamped to provide contextual information for those using the site.

Any corrections made to programme material between time of broadcast and placing on the RNZ website must be noted.

### **Use of RNZ Website Content**

RNZ online material may not be used or reproduced without our approval. RNZ would not give approval to any use that detracts from our image or editorial policies in any way.

*[SEE ALSO: INTELLECTUAL PROPERTY P.19; USE OF RNZ LOGO, COMPANY NAME OR BRAND P.63; PARTNERSHIP PROJECTS P.64 ]*

## Complaints

The media constantly runs the risk of complaints by aggrieved listeners, especially during the airing of divisive issues. Radio New Zealand recognises their right to complain and to be treated with courtesy, irrespective of viewpoint.

When dealing with complaints it is worth keeping in mind that they come from people who choose to listen to RNZ. Their feedback is important to us. If a complaint can't be dealt with immediately then ask that it is put in writing. In the event of an abusive call staff should hang up.

Some complaints require no direct response. Those of substance should be followed up by the area concerned. The supervisor or manager should seek a written account of the circumstances from the programmer or producer involved for a reply to the complainant. It is important that anyone anticipating a response receives one promptly and that the responsible RNZ manager advises staff of any decision.

No RNZ employee may supply a complainant with a copy of any item broadcast. Any such request must be referred to the appropriate senior manager for consideration as part of the normal RNZ procedure for handling complaints.

*[SEE ALSO: RNZ AND COPYRIGHT P.36]*

### Formal Complaints

Where a complaint is 'formal' the Broadcasting Act requires a broadcaster to investigate and respond to the complainant. At RNZ this process is managed by the Complaints Co-ordinator in consultation with the relevant senior manager. Formal complaints should immediately be passed on to the co-ordinator.

A decision to uphold, uphold in part, or not uphold should be based on the standards and practices contained in RNZ's editorial policies and style protocols, irrespective of whether the case is eventually referred to the Broadcasting Standards Authority.

*[SEE ALSO: APPENDIX 2: RADIO CODE OF BROADCASTING PRACTICE P.72]*

### Broadcasting Standards Authority

A dissatisfied complainant may seek a ruling by the Broadcasting Standards Authority (BSA), a statutory body with legal powers to enforce the Code. The one exception to this procedure is where privacy complaints can be made directly to the BSA.

If the BSA upholds a complaint penalties may extend from publicising its decision to ordering the broadcast of a summary, a correction, action costs or in more serious cases taking a broadcaster off the air for up to 24 hours.

Failure to comply risks a fine of \$100,000. Compensation payments in privacy cases may be up to \$5,000.

Any party to a complaint can appeal against a BSA decision to the High Court.

Remember, a complaint may be unnecessarily escalated if the complainant is treated discourteously.

## Appendix 1

### The RNZ Draft Charter

*(The RNZ Draft Charter is subject to final approval by Parliament)*

*[SEE ALSO: THE CHARTER UNDER THE RADIO NEW ZEALAND ACT 1995 P.8]*

#### 7A The Charter - Purpose

*As an independent and commercial free public service broadcaster, Radio New Zealand's sole purpose is to serve the public interest.*

- (1) Freedom of thought and expression are foundations of democratic society and Radio New Zealand as a public service broadcaster plays an essential role in exercising these freedoms.
  - (a) Radio New Zealand fosters a sense of national identity reflecting and promoting ethnic, cultural and artistic diversity and expression.
  - (b) Radio New Zealand provides reliable, independent and freely accessible news and information.

#### 7B The Charter - Delivery

- (1) In achieving its purpose Radio New Zealand will endeavour to provide services of the highest quality which:
  - (a) are predominantly and distinctively of New Zealand;
  - (b) inform, entertain and enlighten the people of New Zealand;
  - (c) are challenging, innovative and engaging;
  - (d) foster critical thought, informed and wide-ranging debate thereby contributing to greater tolerance and understanding;
  - (e) stimulate, support and reflect the diversity of cultural expression including drama, comedy, literature and the performing arts;
  - (f) stimulate, support and reflect a wide range of music, including New Zealand composition and performance;
  - (g) reflect New Zealand's cultural identity, including Maori language and culture;
  - (h) provide awareness of the world and of New Zealand's place in it;



- (i) provide comprehensive, independent, accurate, impartial and balanced regional, national and international news and current affairs;
- (j) balance programmes of special interest with those of wide appeal recognising the interests of all age groups;
- (k) contribute towards intellectual and spiritual development;
- (l) include an international service to the South Pacific in both English and Pacific languages;
- (m) take account of services provided by other broadcasters;
- (n) take advantage of the most effective means of delivery;
- (o) preserve and archive broadcasting material of historical interest;

### **7C Charter Performance**

- (1) Radio New Zealand must, as part of its annual report, report on its performance against its Charter as measured by :
  - (a) annual research relating to its current audiences; and
  - (b) research conducted from time to time, including people not in its current audiences; and
  - (c) the measures, if any, it has taken in response to those results.

### **7D Charter Review**

- (1) The Charter shall be reviewed by the House of Representatives at intervals of no less than five years since the completion of the previous review.

## Appendix 2

### Radio Code Of Broadcasting Practice

#### Preamble

Under the Broadcasting Act 1989 each broadcaster is responsible for maintaining in its programmes and their presentation standards which are consistent with:

- a) the observance of good taste and decency;
- b) the maintenance of law and order;
- c) the privacy of the individual;
- d) the principle that when controversial issues of public importance are discussed, reasonable efforts are made, or reasonable opportunities are given, to present significant points of view either in the same programme or in other programmes within the period of current interest.
- e) any approved Code of Broadcasting Practice applied to programmes.

The Act also established the Broadcasting Standards Authority (BSA) which is responsible for administering the standards regime. The Act describes how the BSA is required to encourage broadcasters to develop and observe appropriate Codes of Broadcasting Practice.

This Code, the Radio Code of Broadcasting Practice, has been prepared by the Radio Broadcasters Association on behalf of commercial broadcasters and RNZ. It aims to ensure compliance with the law, prevention of misleading or deceptive practices and social responsibility.

Fundamental to broadcasters and to the BSA's activities is the right to freedom of expression which is referred to in the New Zealand Bill of Rights Act 1990.

#### Grounds for a Formal Complaint

Formal complaints allege that the broadcaster has failed in its responsibility to maintain one or more of the following broadcasting standards set out in Principles 1 to 9 below.

In determining complaints, emphasis will be placed on the Principles and the spirit and the intentions of the broadcasting standard which each Principle incorporates.

Each Principle has guidelines which are included to assist viewers, broadcasters and the BSA in applying the Principles to specific complaints.

Formal complaints must first be made, in writing, to the broadcaster concerned within 20 working days of broadcast. The one exception is an allegation of breach of privacy (Principle 3) which may be made directly to the BSA without first being referred to the broadcaster. Contact details are included at Appendix 2.

Formal complaints should specify the name of the programme, the date of broadcast, the principle(s) alleged to have been breached and why.

Radio broadcasters are also required to comply with the Programme Code covering election programmes/advertisements. A copy of this Code is on the BSA's website.

Apart from programme promotions and broadcast political advertising, the BSA has no jurisdiction over advertisements. Complaints about advertisements should be made to the Advertising Standards Complaints Board.

Copies of all broadcasting Codes are available from the BSA and from its website.

## The Principles

### **Principle 1: Good Taste and Decency**

In programmes and their presentation broadcasters are required to maintain standards which are consistent with the observance of good taste and decency.

Guidelines:

- 1a Broadcasters will take into consideration current norms of decency and good taste in language and behaviour bearing in mind the context in which any language or behaviour occurs and the wider context of the broadcast, e.g., time of day, target audience.

### **Principle 2: Law and Order**

In programmes and their presentation broadcasters are required to maintain standards which are consistent with the maintenance of law and order.

Guidelines:

- 2a Care should be taken in broadcasting items which explain the technique of crime in a manner which invites imitation.

### **Principle 3: Privacy**

In programmes and their presentation broadcasters are required to maintain standards consistent with the privacy of the individual.

Guidelines:

- 3a Broadcasters shall apply the privacy principles developed by the Broadcasting Standards Authority and applied when determining privacy complaints.

## **Principle 4: Balance**

In programmes and their presentation broadcasters are required to maintain standards consistent with the principle that when controversial issues of public importance are discussed reasonable efforts are made, or reasonable opportunities are given, to present significant points of view either in the same programme or in other programmes within the period of current interest.

Guidelines:

- 4a Broadcasters will respect the rights of individuals to express their own opinions.
- 4b Broadcasters may have regard, when ensuring that programmes comply with principle 4, to the following matters:
- (i) an appropriate introduction to the programme; and
  - (ii) any reasonable on air opportunity for listeners to ask questions or present rebuttal within the period of current interest. Broadcasters may have regard to the views expressed by other broadcasters or in the media which listeners could reasonably be expected to be aware of.

## **Principle 5: Fairness**

In programmes and their presentation broadcasters are required to deal justly and fairly with any person taking part or referred to.

Guidelines:

- 5a No telephone conversation will be recorded or broadcast for the purpose of news, current affairs or any other programme unless the recipient has been advised that it is being recorded for possible broadcast, or is aware that the conversation is being broadcast. Exceptions may apply depending upon the context of the broadcast, including the legitimate use of humour.
- 5b Care must be taken in the editing of programme material to ensure that the extracts used are a true reflection and not a distortion of the original event or the overall views expressed.
- 5c Programmes shall not be presented in such a way as to cause panic, unwarranted alarm or undue distress.

## **Principle 6 Accuracy**

In the preparation and presentation of news and current affairs programmes broadcasters are required to be truthful and accurate on points of fact.

Guidelines:

- 6a Broadcasters will not use deceptive programme practices.

- 6b In the event of an allegation of inaccuracy broadcasters will act promptly to check the allegation against the original broadcast and will broadcast with similar prominence a suitable and appropriately scheduled correction if that is found to be justified.
- 6c Factual reports on the one hand and opinion, analysis and comment on the other shall be clearly distinguished.
- 6d Broadcasters shall ensure that the editorial independence and integrity of news and current affairs is maintained.

### **Principle 7 Social Responsibility**

In programmes and their presentation broadcasters are required to be socially responsible.

Guidelines:

- 7a Broadcasters will not portray people in a manner which encourages denigration of or discrimination against any section of the community on account of gender, race, age, disability, occupational status, sexual orientation; or as the consequence of legitimate expression of religious, cultural or political beliefs. This requirement does not extend to prevent the broadcast of material which is:
  - (i) factual;
  - (ii) a genuine expression of serious comment, analysis or opinion; or
  - (iii) is by way of legitimate humour or satire.
- 7b Broadcasters shall be mindful of the effect any programme may have on children during their normally accepted listening times.
- 7c The time of transmission is an important consideration in the scheduling of programmes which contain violent themes.
- 7d If a programme is likely to disturb an appropriate warning should be broadcast.
- 7e Broadcasters shall ensure that the incidental promotion of liquor is minimised.
- 7f Advertisements and infomercials shall be clearly distinguishable from other programme material.

### **Principle 8: Liquor**

In the preparation and presentation of programmes broadcasters must observe restrictions on the promotion of liquor appropriate to the programme genre being broadcast. Liquor promotion should be socially responsible and must not encourage consumption by people who are under the legal age to purchase liquor.

#### **Definition:**

Liquor promotion comprises:

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- promotion of a liquor product, brand or outlet ('promotion');
- liquor sponsorship of a programme ('sponsorship'); and
- advocacy of liquor consumption ('advocacy').

## Guidelines:

- 8a Liquor promotion must not occur in programmes specifically directed at children.
- 8b Broadcasters must ensure that liquor promotion does not dominate programmes.
- 8c Broadcasters are not required to exclude promotion from coverage of an actual event or situation being broadcast where promotion is a normal feature of the event or situation but must take guideline 8b into account.
- 8d Sponsorship of a programme must be confined to the brand, name or logo and must not include a sponsor's sales message.
- 8e Promos for a liquor-sponsored programme shall clearly and primarily promote the programme. The sponsor and sponsorship may be featured only in a subordinate manner, be confined to the brand, name or logo and must not include a sponsor's sales message.
- 8f When scheduling liquor-sponsored programmes broadcasters will also take into account the requirements of principle 4.4 and Guideline 4(c) of the Advertising Standards Authority's Code for Advertising Liquor (which requires broadcasters to take care to avoid the impression that liquor promotion is dominating the viewing period).
- 8g In the preparation and presentation of programmes broadcasters must avoid advocacy of excessive liquor consumption.

## **Principle 9: Broadcast Tape Retention**

For a period of 35 days after broadcast broadcasters are required to be able to provide a copy of the tapes of all open line and talkback programmes and all outside broadcast news and current affairs coverage. For the same period broadcasters are also required to retain, or be able to obtain, a tape or script of all news or current affairs items.

## Guidelines:

- 9a In the event of a formal complaint broadcasters will retain all relevant programme information, records and recordings until the complaint has been finally dealt with.
- 9b Tapes and transcripts required pursuant to Principle 9 and all relevant information retained in the event of a formal complaint shall be made available to the Broadcasting Standards Authority on the Authority's written request.

## Privacy Principles

1. It is inconsistent with an individual's privacy to allow the public disclosure of private facts, where the disclosure is highly offensive to an objective reasonable person.
2. It is inconsistent with an individual's privacy to allow the public disclosure of some kinds of public facts. The 'public' facts contemplated concern events (such as criminal behaviour) which have, in effect, become private again, for example through the passage of time. Nevertheless, the public disclosure of public facts will have to be highly offensive to an objective reasonable person.
3.
  - (a) It is inconsistent with an individual's privacy to allow the public disclosure of material obtained by intentionally interfering, in the nature of prying, with that individual's interest in solitude or seclusion. The intrusion must be highly offensive to an objective reasonable person.
  - (b) In general, an individual's interest in solitude or seclusion does not prohibit recording, filming, or photographing that individual in a public place ('the public place exemption')
  - (c) The public place exemption does not apply when the individual whose privacy has allegedly been infringed was particularly vulnerable, and where the disclosure is highly offensive to an objective reasonable person.
4. The protection of privacy includes the protection against the disclosure by the broadcaster, without consent, of the name and/or address and/or telephone number of an identifiable individual, in circumstances where the disclosure is highly offensive to an objective reasonable person.
5. It is a defence to a privacy complaint that the individual whose privacy is allegedly infringed by the disclosure complained about gave his or her informed consent to the disclosure. A guardian of a child can consent on behalf of that child.
6. Children's vulnerability must be a prime concern to broadcasters, even when informed consent has been obtained. Where a broadcast breaches a child's privacy, broadcasters shall satisfy themselves that the broadcast is in the child's best interests, regardless of whether consent has been obtained.

7. For the purpose of these Principles only, a 'child' is defined as someone under the age of 16 years. An individual aged 16 years or over can consent to broadcasts that would otherwise breach their privacy.
  
8. Disclosing the matter in the 'public interest', defined as of legitimate concern or interest to the public, is a defence to a privacy complaint.

*Note:*

*These principles are not necessarily the only privacy principles that the Authority will apply*

*The principles may well require elaboration and refinement when applied to a complaint*

*The specific facts of each complaint are especially important when privacy is an issue*



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